

No. 91-810

Supreme Court, U.S.

FILED

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In The
Supreme Court of the United States
October Term, 1991

CITY OF BURLINGTON,

Petitioner,

vs.

ERNEST DAGUE, SR., ERNEST DAGUE, JR.,
BETTY DAGUE, AND ROSE A. BESSETTE,

Respondents.

On Writ Of Certiorari To The United States
Court Of Appeals For The Second Circuit

JOINT APPENDIX
VOLUME I, PAGES 1-218

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Petition for Certiorari Filed November 18, 1991
Certiorari Granted January 27, 1992

TABLE OF CONTENTS

Page

Volume I

1. Docket Entries 1
2. Plaintiffs' Complaint filed October 9, 1985,
included in Appendix to Petition for Cer-
tiorari at pp. 244-269
3. Opinion and Order of United States District
Court for the District of Vermont, March 26,
1986, included in Appendix to Petition for
Certiorari at pp. 44-53
4. Opinion and Order of Second Circuit Court
of Appeals, August 20, 1986, included in
Appendix to Petition for Certiorari at pp.
142-144
5. Findings of Fact, Opinion and Order of
United States District Court for the District
of Vermont, October 17, 1989, included in
Appendix to Petition for Certiorari at pp.
59-115
6. Plaintiffs' Application for Attorney's Fees
and Costs November 1, 1989 5
7. Memorandum in Support of Application for
Fees and Costs, November 1, 1989 7

Volume II

8. Memorandum in Opposition to Application
for Fees and Costs, November 13, 1989..... 219
9. Reply Memorandum in Support of Applica-
tion for Fees and Costs, November 24, 1989 ... 230
10. Supplemental Memorandum in Opposition
to Application for Fees and Costs, December
8, 1989 236

TABLE OF CONTENTS - Continued

	Page
11. Reply Memorandum in Support of an Award of Fees and Costs, January 3, 1990	282
12. Opinion and Order of the United States District Court for the District of Vermont, April 2, 1990, included in Appendix to Petition for Certiorari at pp. 130-134	
13. Petition for Enforcement of Order, April 17, 1990	284
14. Memorandum in Opposition to Plaintiff's Petition for Enforcement of Order, April 27, 1990	287
15. Plaintiffs' Response to Defendant's Opposition to Enforcement of Court Order, May 1, 1990	289
16. Order of the United States District Court for the District of Vermont, May 4, 1990	296
17. Judgment of United States District Court for the District of Vermont, May 7, 1990, included in Appendix to Petition for Certiorari at pp. 116-117	
18. Opinion of Second Circuit Court of Appeals, June 12, 1991 included in Appendix to Petition for Certiorari at pp. 1-37	
19. Plaintiff's Bill of Costs, June 25, 1991	302
20. Order of Second Circuit Court of Appeals, August 20, 1991 included in Appendix to Petition for Certiorari at pp. 145-146	
21. Supplemental Application for Attorney's Fees and Costs, June 25, 1991	311

TABLE OF CONTENTS - Continued

	Page
22. Application to Second Circuit Court of Appeals for Attorney's Fees and Costs, June 25, 1991	362
23. Order of United States District Court for the District of Vermont, October 11, 1991, included in Appendix to Petition for Certiorari at pp. 137-138	
24. Order of Second Circuit Court of Appeals, October 25, 1991, included in Appendix to Petition for Certiorari at pp. 38-39	

DOCKET ENTRIES

- Oct. 9, 1985 1 COMPLAINT
- March 26, 1986 63 OPINION and ORDER - FSB -
Plaintiff's request for preliminary
injunctive relief is DENIED and the
City cause the Landfill's gas ven-
tilating system and leachate collec-
tion system to become fully
operational by May 26, 1986. Cy to
attys. (P#3) wf.
- Oct. 17, 1989 215 FINDINGS OF FACT, OPINION
AND ORDER - FSB - Count 1; the
City of Burlington has not violated
42:6925(a) or 42:6930(a). Count 2; (a)
the City was generating methane
gas, but abated that practice in
12/85; (b) the City continues to dis-
charge pollutants into waters of the
U.S. without permit (40 C.R.F. [sic]
§ 257.3-3(a)); and (c) the City has not
contaminated an underground
drinking water source beyond the
Landfill boundary. Count 3; the
Landfill may present an imminent
and substantial endangerment to
health or the environment and
therefore operates in violation of
42:6972(a)(1)(B). Count 4; the City is
violating the Clean Water Act by
discharging pollutants into the
Intervale without authorization.
Count 5; The City is violating Ver-
mont's Groundwater Protection Law
by altering the character and quality
of the groundwater. It is ordered
that the City close the Landfill on or

before January 1, 1990. Civil penalties shall not be imposed pursuant to 42:6928(g) or 33:1319(d). The Court orders Deft to pay the costs of litigation, including attorney and expert witness fees, to be assessed. Cy. to attys.

- Nov. 1, 1989 216 APPLICATION For Award of Fees and Costs by Pltf.
- Nov. 1, 1989 217 MEMORANDUM In Support of P#216.
- Nov. 13, 1989 219 MEMORANDUM in Opposition to Pltfs' Application for Award of Fees and Costs (P#216).
- Nov. 24, 1989 222 REPLY MEMORANDUM in support of application for award of attys' fees and costs by Pltfs. amn
- Dec. 8, 1989 224 MEMORANDUM (Supplemental) In Opposition to Request for Atty's Fees of Pltf by Deft. cab
- Jan. 3, 1990 229 REPLY in support of an award of fees and costs by Pltfs. amn
- April 2, 1990 232 OPINION AND ORDER - FSB - Pltf shall recover from the Deft the sum of \$198,027.50 for attys' fees, plus necessary expenses in the amount of \$10,929.66, together with a 25% enhancement of the total attys' fees in the amount of \$49,506.87 plus taxable costs. Cys to attys. amn
- April 17, 1990 233 PETITION for Enforcement of Order by Pltfs. wf

- April 27, 1990 234 MEMORANDUM in opposition to Pltfs' petition for enforcement of order by Deft (P#233) amn
- May 1, 1990 238 RESPONSE TO Deft's opposition to enforcement of court order by Pltfs.
- May 4, 1990 239 ORDER - FSB - Deft's motion for an entry of judgment is granted in part. The pltf's petition for enforcement is denied pending appeal. The court directs the clerk of court to enter judgment as to Cts I, II, III and IV of the court's Opinion and Order, dated 10/16/89 and the Opinion and Order dated 4/2/90. Cys to attys.
- May 7, 1990 240 JUDGMENT IN A CIVIL CASE - The City of Burlington, VT, close the Landfill on/before 1/1/90. cvl penalties shall not be imposed pursuant to 42 USC 6928(g) or 33 USC 1319(d). The pltfs shall recover from the deft the sum of \$198,027.50 for atty fees, plus necessary expenses in the amt of \$10,929.66 together with a 25% enhancement of the total atty's fees in the amount of \$49,506.87 plus taxable costs. Judgment is entered for the deft as to Ct 1; the deft, in part, and the pltfs, in part, as to Ct II and the pltfs as to Cts III and IV. Notice to Litigators appeal date of 6/6/90. Cys to attys. cab
- June 25, 1991 248 BILL of Costs by Heather Briggs, atty for pltf. gei

June 25, 1991 249 MEMORANDUM in Support of Bill
of Costs (P#248). gei

June 25, 1991 250 SUPPLEMENTAL APPLICATION
by pltf for Award of Fees and Costs.
gei

Jul. 17, 1991 251 AFFIDAVIT of Heather Briggs, Esq.
in support of Bill of Costs with
amended cost relative to service fees
(\$10.98 sought in lieu of \$17.25 origi-
nal claim). rpw

Oct. 15, 1991 256 ORDER - FSB - Pltf shall recover
from Deft supplemental atty's fees
in the amount of \$24,113.00, and
supplemental expenses in the
amount of \$2,707.61, together with a
25% enhancement of the atty's fees
or \$6,028.25. Cys. to attys. amn

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ERNEST DAGUE, SR., BETTY L.)
DAGUE, ADMINISTRATRIX)
OF THE ESTATE OF ERNEST J.)
DAGUE, II BETTY DAGUE and) Civil Action No.
ROSE A. BESSETTE) 85-269
v.)
CITY OF BURLINGTON)

PLAINTIFFS' APPLICATION FOR
AWARD OF FEES AND COSTS

Plaintiffs submit this application for their costs of litigation, including attorney and expert witness fees and expenses, incurred in this action. The Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. § 6901 *et seq.*, and the Clean Water Act ("CWA"), 33 U.S.C. § 1251 *et seq.*, provide that the prevailing or substantially prevailing party may be awarded costs of litigation, including reasonable attorney and expert witness fees. 42 U.S.C. § 6972(e); 33 U.S.C. § 1365(d).

By Order dated 16 October 1989, this Court ordered that such costs and fees were to be paid by Defendant in an amount to be assessed by the court. Plaintiffs' counsel pursued Defendant's statutory liability on a contingency fee basis. Indeed, to date, Plaintiffs' counsel has not received any payment for its services. In support of this application, Plaintiffs submit affidavits and other documentation to substantiate the requested fees and expenses.

WHEREFORE, Plaintiffs respectfully request that, based upon the attached affidavits of counsel, legal memorandum and other supporting documents, attorneys fees in the amount of \$198,027.50 be awarded to Plaintiffs and that this amount be enhanced 100% pursuant to *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 107 S.Ct. 3078 (1987), *Hensley v. Eckerhart*, 461 U.S. 424 (1983) and *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (7th Cir. 1984). Plaintiffs further request that the court award \$7,295.00 for expert witness fees and \$3,634.66 for attorneys expenses incurred in this matter.

Burlington, Vermont. 31 October 1989.

DOWNS RACHLIN & MARTIN
Attorneys for Plaintiffs

By: /s/ Richard N. Bland
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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ERNEST DAGUE, SR., BETTY L.)	
DAGUE, ADMINISTRATRIX)	
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)	
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MEMORANDUM IN SUPPORT OF PLAINTIFFS'
APPLICATION FOR AWARD OF FEES AND COSTS

Plaintiffs submit this memorandum in support of their application for attorney and expert witness fees and expenses.

I. Statement of Facts

Plaintiffs Ernest Dague, Sr., Ernest Dague, Jr., Betty Dague and Rose A. Bessette brought this action against the City of Burlington, Vermont ("the City") for alleged violations of federal and state law arising out of the operation of the Burlington Municipal Disposal Grounds ("the Landfill"). Plaintiffs commenced this action under the citizen suit provisions of the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. § 6972, and the Clean Water Act ("CWA"), 33 U.S.C. § 1365, and under pendent state claims. Plaintiffs sought injunctive relief, imposition of civil penalties, compensatory and punitive damages for their pendent state claims, costs, and attorneys fees.

Trial by court was held from May 8 - 11, 1989, on Defendant's statutory liability under RCRA and the CWA, and Vermont's Groundwater Protection Law, 10 V.S.A. § 1410. On 16 October 1989, the Court issued its Findings of Fact, Opinion and Order, finding Defendant liable on four of the five statutory counts of Plaintiffs' Complaint. Specifically, the Court concluded: the City generated methane gas in violation of 42 U.S.C. § 6945(a) and 40 C.F.R. § 257.3-8(a)(2), until December 27, 1985; the City continues to discharge pollutants into the waters of the United States without a NPDES permit, in violation of 42 U.S.C. § 6945(a), 40 C.F.R. § 257.3-3(a), and 33 U.S.C. § 1311; and the City's Landfill may present an imminent and substantial endangerment to public health or the environment, and therefore its continued operation violates 42 U.S.C. § 6972(a) (1) (B). The Court further found that the City is violating Vermont's Groundwater Protection Law, by altering the character and quality of the groundwater beneath and north of the Landfill. The Court ordered the City to close the Landfill on or before January 1, 1990.

"Having determined that plaintiffs have substantially prevailed in both their RCRA and CWA claims," the Court ordered Defendant to pay the costs of litigation, including reasonable attorney and expert witness fees, to be assessed pursuant to 42 U.S.C. § 6972(e) and 33 U.S.C. § 1365(d). Plaintiffs now move for an award of their costs of litigation, including attorney and expert witness fees and expenses incurred in this action.

II. Argument and Authority

The starting point for any calculation of attorneys fees is the "lodestar," the product of a reasonable hourly rate and the number of hours reasonably expended on substantive issues on which the petitioner satisfies the statutory threshold of success. *Sierra Club v. EPA*, 769 F.2d 796, 23 ERC 1001, 1002 (D.C. Cir. 1985); *Copeland v. Marshall*, 641 F.2d 880, 891 (D.C. Cir. 1980) (en banc). After the lodestar is calculated, a determination must be made as to whether any enhancement of the lodestar is appropriate. *Sierra Club*, 769 F.2d at 809-10.

A. Calculation of the Lodestar

This Court has already determined that Plaintiffs have substantially prevailed on their federal claims, thereby entitling them to a fully compensatory fee award. *Hensley v. Eckerhart*, 461 U.S. 424 (1983). All that remains to be decided is whether the fees sought by Plaintiffs are based on "reasonable" rates and "reasonable" hours. "In computing the fee, counsel for [Plaintiffs as] prevailing parties should be paid, as is traditional with attorneys compensated by a fee-paying client, 'for all time reasonably expended on a matter.'" *Save Our Sound Fisheries Association v. Callaway*, 429 F.Supp. 1136, 1147 (D.R.I. 1977) (analysis utilized in civil rights actions applicable to environmental cases) (quoting S. Rep. No. 94-1011, 94th Cong., 2d Sess. at 6 (1976)).

Plaintiffs' attorneys have submitted an affidavit stating their rates are those usually charged to clients who pay on an hourly basis, (Exhibit 1), as well as affidavits

from other attorneys in Burlington, Vermont stating that the last applicable rate of \$125 per hour for Mr. Pearson while at Downs Rachlin & Martin (he is currently practicing in Tucson, Arizona in the field of environmental law and his current billing rate is \$170 per hour), \$80 per hour for Mr. Bland and various other rates for Plaintiffs' attorneys and legal assistants are reasonable. (Exhibits 4, 5, and 6). *Blum v. Stenson*, 465 U.S. 886 (1989). Further, Plaintiffs' application is supported by itemized, contemporaneous records for all time expended. (Exhibit 1 and Affidavit of William W. Pearson). The descriptive entries show that all time spent was reasonably necessary.

Accordingly, Plaintiffs submit that the appropriate lodestar is \$198,027.50 in attorneys fees.

B. Enhancing the Lodestar

The next step to consider is whether an enhancement of the lodestar amount is appropriate. *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 107 S.Ct. 3078 (1987) ("*Delaware Valley II*"); *Hensley v. Eckerhart*, 461 U.S. 424 (1983); and *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (7th Cir. 1984). An enhancement is appropriate here.

The purpose behind applying an enhancement or multiplier is to attract competent counsel. *SPIRG of New Jersey v. AT&T Bell Laboratories*, 842 F.2d 1436, 27 ERC 1409, 1421 (3rd Cir. 1988); *Delaware Valley II*, 107 S.Ct. 3078 (1987). Simply stated, if plaintiffs' attorneys can receive as a *maximum* only the lodestar amount, after risking complete nonpayment as well as the hardships

imposed by delay, lack of cash-flow, and out-of-pocket expenses, then competent counsel will be reluctant to serve on behalf of private attorneys general. The purpose underlying the "multiplier" is to balance the inherent inequities between plaintiffs and fee-paying defendants and to reward attorneys who take on public interest cases and achieve substantial results.

Some of the factors to consider in determining whether an enhancement is appropriate include: the risk and the amount involved; the novelty of the issues raised or the difficulties in prosecuting the case; the undesirability of the case; the skill required, and the experience and ability of the attorneys; the preclusion from other employment by the attorneys because of this case; the delay; and the results obtained. *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (7th Cir. 1984).

In this case, consideration of the above factors fully supports an enhancement of the lodestar amount by 100%.

1. Contingency/Risk Factor

A major factor in determining whether the fee should be enhanced is whether the fee arrangement with the clients is fixed or contingent. *See Delaware Valley II*. As described in the attached affidavit by Plaintiffs' counsel, all work associated with the Defendant's statutory liability was taken on a contingent fee basis: that is, had Plaintiffs not prevailed on their statutory claims, counsel for Plaintiffs would not be compensated at all for their services on these claims.

A contingency multiplier is also awarded when necessary to attract competent counsel. *SPIRG of New Jersey, Inc. v. AT&T*, 842 F.2d 1436, 1451 (3rd Cir. 1988). Without a possible adjustment for risk in this case, Plaintiffs "would have faced substantial difficulties in finding counsel in the local or other relevant market." *Id.* (quoting *Delaware Valley II*, O'Connor, J., concurring).¹

In this case, it would have been extremely difficult for Plaintiffs to have obtained other local counsel of similar competence² who were willing to sue Vermont's largest municipality and pursue their claims under RCRA and the CWA³ (under this type of fee arrangement), asserting *inter alia* that the City's Landfill may present an imminent and substantial endangerment to public health or the environment and, therefore, should be closed.

The novelty of the issues presented by Plaintiffs' statutory claims, the complexity of RCRA and the CWA, and the magnitude of the regulations thereunder cannot be overstated. A perusal of the case law of citizen suits under RCRA and the CWA reveals how few, if any, citizens have (1) commenced an action with the statutory claims presented here and (2) prevailed on those claims.

¹ The outlay of out-of-pocket expenses alone in this type of action would be prohibitive for most attorneys in the Burlington area.

² See attached affidavit of Plaintiffs' counsel for the experience and abilities of Mr. Pearson and Mr. Bland.

³ It should be noted that neither RCRA nor the CWA afford the prevailing or substantially prevailing party with the right to recover damages.

Moreover, Plaintiffs faced substantial difficulties in prosecuting this case during the past four years. The volume of documents pertaining just to Plaintiffs' statutory claims that were reviewed and analyzed by their counsel are stored in 11 "banker's boxes". A review of the record of this case also reveals how nonresponsive Defendant was to discovery and deadlines, forcing Plaintiffs to file motions to compel discovery and for sanctions. Defendant also vigorously contested facts and liability on each of the statutory claims through the trial on the merits.

2. Delay Enhancer

Under a delay theory of enhancement, all time spent over the life of this matter should be compensated at counsel's *present* hourly rate rather than at an historical rate. By charging the time in such a manner, the Court will compensate counsel for the delay in payment during the pendency of this litigation. See *Alabama Power Co. v. Gorsuch*, 672 F.2d 1, 6 n.29 (D.C. Cir. 1982) (base amount increased by 25%); *Zipes v. Trans World Airlines*, 846 F.2d 434, 443 (7th Cir. 1988) (Title VII) (1.44 multiplier for delay).

Accordingly, Plaintiffs request that Mr. Pearson's and Mr. Bland's fees be increased a total of \$48,081.50 to compensate their time at their present rates (\$125/hr. and \$80/hr. respectively). Plaintiffs seek no 'delay enhancement' for any other attorney or legal assistant fees charged to this matter.

3. Preclusion from Other Employment

The attached affidavit of Plaintiffs' counsel establishes that most of the hours spent on this matter would have been spent representing other clients who would pay their hourly rates on a monthly basis. Given the substantial devotion of time to this matter, Plaintiffs' counsel were precluded from other employment by fee-paying clients. This factor, too, weighs in favor of enhancement.

4. Conclusion for Enhancement

Based on the foregoing, Plaintiffs submit that their attorneys fees should be enhanced 100%. All of the criteria collectively set forth in *Johnson, Hensley and Delaware Valley II* have been met and weigh in favor of enhancement. Moreover, such enhancement is warranted by the ever-increasing reluctance of competent and experienced counsel to represent private attorneys general in environmental cases. Without this incentive, it is inevitable that statutes such as the CWA and RCRA will provide (citizens) rights without remedies. Plaintiffs' attorneys will not take cases such as this one unless they can expect to receive more than their hourly rate for time expended.

C. Expert Witness Fee

Plaintiffs' expert witness, Dr. Frank Reed, billed Plaintiffs for 140.5 hours at \$50.00/hr. on this matter since 24 October 1985 for a total of \$7,025.00. Dr. Reed also charged Plaintiffs \$220.00 for mileage and \$50.00 for

meals. Thus, Plaintiffs have incurred a total of \$7,295.00 in expert witness fees and expenses. (See Exhibit 2 attached to Affidavit of Plaintiffs' counsel for Dr. Reed's invoices). Plaintiffs submit that Dr. Reed's expert witness fees and expenses of \$7,295.00 are reasonable and, therefore, reimbursable.

D. Expenses

In addition to attorneys and expert witness fees, Plaintiffs request that they be awarded reasonable expenses, not otherwise recoverable in a bill of costs,⁴ incurred in this action. Plaintiffs' counsel has attached an affidavit setting forth that these expenses were necessary and reasonably incurred and has attached copies of applicable bills and receipts, totalling \$3,634.66. (Exhibit 3). Accordingly, Plaintiffs request that this amount also be awarded.

An award of costs in this case is not limited to those normally allowed pursuant to 28 U.S.C. § 1920 or F.R.Civ.P. 54. While there are few environmental cases on this point, case law developed under other fee-shifting statutes instructs that all reasonable out-of-pocket expenditures are to be awarded. *Shorter v. Valley Bank and Trust Co.*, 678 F.Supp. 714, 726 (N.D. Ill. 1988) (FLSA); *Reichman v. Bonsignore & Mazzotta*, 818 F.2d 278 (2d Cir. 1987) (citing *Laffey v. Northwest Airlines, Inc.*, 747 F.2d 4, 30 (D.C. Cir. 1984)); *Herold v. Hajoca Corp.*, 864 F.2d 317, 323 (4th Cir. 1988) (ADEA); *Kossman v. Calumet County*, 849

⁴ Plaintiffs will submit a Bill of Costs upon entry of judgment.

F.2d 1027, 1030 (7th Cir. 1988) (ADEA); *Hidle v. Geneva County Board of Education*, 681 F.Supp. 752, 758 (D.C. Ala. 1988); *Laffey*, 746 F.2d at 30; *Thompson v. Sawyer*, 586 F.Supp. 635, 643 (D.D.C. 1984) (Title VII); *Planells v. Howard University*, ___ F.Supp. ___, 34 FEP 66, 71 (D.C.D.C. 1984) (Title VII); *Monroe v. United Air Lines, Inc.*, 565 F.Supp. 274, 289 (N.D. Ill. 1983) (ADEA).

Courts addressing claims under environmental protection statutes have stated that the general policies underlying awards of fees and expenses in civil rights cases apply to similar fee requests under environmental statutes. See, e.g., *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 106 S.Ct. 3088, 24 E.R.C. 1577 (1986) ("*Delaware Valley I*"); *SPRIG [sic] of New Jersey v. AT&T*, 842 F.2d 1436, 1439 n. 1 (3rd Cir. 1988); *Save Our Sound Fisheries Association v. Callaway*, 429 F.Supp. 1136 (D.R.I. 1977).

Courts resolving fee issues under the Clean Air Act 42 U.S.C. § 7607(f), a fee shifting statute substantially similar to the fee shifting provisions in RCRA and the CWA, *SPRIG of New Jersey*, 842 F.2d at 1439 n. 1, have awarded costs similar to those requested by Plaintiffs here. *Sierra Club v. EPA*, 769 F.2d 796, 812 (D.C. Cir. 1985) (awarding telephone, photocopying, postage costs); *Alabama Power Co. v. Gorsuch*, 672 F.2d 1, 6-8 (D.C. Cir. 1982) (travel, postage, copies of legislative history and transcript expenses awarded). All expenses requested by Plaintiffs are therefore reimbursable.

III. CONCLUSION

Plaintiffs respectfully request the Court to award attorneys fees in the amount of \$198,027.50 and enhance said fees 100%, to award \$7,295.00 for expert witness fees and \$3,634.66 for expenses, and to permit Plaintiffs to supplement their application consistent with future proceedings to be held in this case for any fees later incurred.

Burlington, Vermont. 31 October 1989.

DOWNS RACHLIN & MARTIN
Attorneys for Plaintiffs

By: /s/ Richard N. Bland
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P.O. Box 190
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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ERNEST DAGUE, SR. BETTY L.)	
DAGUE, ADMINISTRATRIX OF)	
THE ESTATE OF ERNEST J.)	
DAGUE, II BETTY DAGUE and)	
ROSE A. BESSETTE)	
v.)	Civil Action No.
)	85-269
CITY OF BURLINGTON)	

AFFIDAVIT IN SUPPORT OF PLAINTIFFS'
APPLICATION FOR AWARD OF FEES AND COSTS

STATE OF VERMONT)
CHITTENDEN COUNTY,) SS.

Richard N. Bland, being duly sworn, deposes and states as follows:

1.

I am an associate in the law firm of Downs Rachlin & Martin, attorneys for Plaintiffs in this action. This affidavit provides the specification and itemization necessary for recovery of costs of litigation, including reasonable attorney and expert witness fees, pursuant to 42 U.S.C. § 6972(e) and 33 U.S.C. § 1365(d).

2.

Attached hereto as Exhibit 1 are the billing statements by this law firm for legal services performed in this action. These billings are accurate and true representations of work actually performed, compiled from time slips prepared by the attorney or legal assistant performing the work described. Time slips are prepared by each attorney and legal assistant on a daily basis and reflect actual time spent on the matter, as well as a description of the work performed. As shown in Exhibit 1, the total amount of Plaintiffs' attorneys fees incurred from 3 April 1985 through 30 October 1989 is \$198,027.50.

3.

Attached hereto as Exhibit 2 are copies of invoices from Dr. Frank Reed, in connection with his services as an expert witness in this matter. As can be seen, Dr. Reed billed Plaintiffs for 140.5 hours at \$50.00 per hour on this matter since 24 October 1985 for a total of \$7,025.00. Dr. Reed also charged Plaintiffs \$220.00 for mileage and \$50.00 for meals. Thus, Plaintiffs have incurred a total of \$7,295.00 in expert witness fees and expenses.

4.

Attached hereto as Exhibit 3 are copies of the expense receipts expended by this law firm for expenses in this action, exclusive of any amount to be included in Plaintiffs' Bill of Costs. These receipts are accurate and true representations of expenses actually incurred and total \$3,634.66. Certain other expenses were also necessarily incurred for which no receipts are available: (1) telephone \$524.30; (2) postage \$196.16; (3) mileage \$906.36; (4) computer legal research \$518.47.¹ These expenses total \$2,145.29. Thus, total expenses, not otherwise recoverable in a bill of costs, are \$3,634.66.

5.

William W. Pearson served as lead counsel for Plaintiffs in this matter. He was first admitted to the Indiana

¹ The practice of Downs Rachlin & Martin is to pass necessarily incurred litigation expenses on to fee-paying clients and not to increase hourly rates to absorb such expenses.

Bar and the U.S. District Court, Southern District of Indiana, in 1971; the Vermont Bar in 1975; the U.S. District Court, District of Vermont, in 1977; and the U.S. Court of Appeals, Second Circuit, in 1986. He received his undergraduate degree from University of Chicago in 1968. He then attended Georgetown University Law Center where he received his J.D. in 1971. He is presently a member of the Vermont and American Bar Associations.

Mr. Pearson is an experienced trial attorney in the field of environmental law. His experience with environmental legal problems includes hazardous waste management, toxic torts, NPDES permits, landfills, hazardous waste risk management and commercial lending, environmental audits, wastewater treatment facilities, Superfund, RCRA, Act 250, underground storage tanks, and insurance coverage for environmental claims.

6.

I assisted Mr. Pearson in this matter. I was first admitted to the Vermont Bar in 1985; the U.S. District Court, District of Vermont, in 1986; and the Supreme Court of the United States in 1989. I received my undergraduate degree from University of Vermont in 1982. I then attended Washington University School of Law where I received my J.D. in 1985. I am presently a member of the Chittenden County, Vermont and American Bar Associations.

I am a trial attorney whose practice is primarily in the field of environmental law. I have experience in resolving environmental legal problems involving hazardous waste management, including the generation,

transportation, storage and disposal of hazardous waste, landfills, RCRA, CWA, Superfund, asbestos, underground storage tanks, hazardous waste risk management and commercial lending, and insurance coverage for environmental claims.

7.

Based upon personal knowledge of hourly rates charged by other attorneys in the Burlington area with similar experience, reputation and skill, I know that rates from \$100 - \$150 per hour are routinely charged. As shown in Exhibit 1, there are varying levels of rates charged by the law firm of Downs Rachlin & Martin. Work performed by partners is billed at \$90 - \$150 per hour. Work performed by associates is billed at \$60 - \$85 per hour, depending on the level of experience. The following is a list of each attorney and legal assistant who worked on this case, the amount of time they spent on this case, and their hourly rates:

William W. Pearson

01-01-89	-	12-31-89	142.50 HOURS AT	125.00 /HR	
					= 17,812.50
07-01-87	-	12-31-88	143.10 HOURS AT	115.00 /HR	
					= 16,456.50
07-01-86	-	06-30-87	86.80 HOURS AT	100.00 /HR	
					= 8,680.00
07-01-84	-	06-30-86	442.40 HOURS AT	85.00 /HR	
					= 37,604.00

Richard N. Bland

01-01-89	-	12-31-89	294.20 HOURS AT	80.00 /HR	
					= 23,536.00
07-01-87	-	12-31-88	215.60 HOURS AT	70.00 /HR	
					= 15,092.00
07-01-86	-	06-30-87	98.40 HOURS AT	65.00 /HR	
					= 6,396.00

01-01-85 - 06-30-86 661.50 HOURS AT 45.00 /HR
= 29,767.50

Michael J. Case

01-01-89 - 12-31-89 77.60 HOURS AT 50.00 /HR
= 3,880.00

07-01-89 - 12-31-88 97.50 HOURS AT 45.00 /HR
= 4,387.50

07-01-85 - 06-30-87 593.20 HOURS AT 40.00 /HR
= 23,728.00

07-01-84 - 06-30-85 67.50 HOURS AT 35.00 /HR
= 2,362.50

Paul H. Ode, Jr.

07-01-84 - 06-30-85 0.50 HOURS AT 55.00 /HR
= 27.50

Robert B. Luce

07-01-85 - 06-30-86 10.50 HOURS AT 60.00 /HR
= 630.00

Gregory S. Clayton

01-01-89 - 12-31-89 2.40 HOURS AT 90.00 /HR
= 216.00

07-01-85 - 06-30-86 0.50 HOURS AT 60.00 /HR
= 30.00

Heather Briggs

01-01-89 - 12-31-89 8.10 HOURS AT 120.00 /HR
= 972.00

John H. Tarlow

07-01-85 - 06-30-86 13.80 HOURS AT 45.00 /HR
= 621.00

Anita R. Tuttle

01-01-89 - 12-31-89 26.40 HOURS AT 75.00 /HR
= 1,980.00

Robert A. Miller

01-01-89 - 12-31-89 9.40 HOURS AT 70.00 /HR
= 658.00

01-01-88 - 12-31-88 21.60 HOURS AT 50.00 /HR
= 1,080.00

Martha L. Judy

01-01-88 - 12-31-88 17.20 HOURS AT 30.00 /HR
= 516.00

Anthony J. Gallucci

01-01-89 - 12-31-89 2.10 HOURS AT 45.00 /HR
= 94.50

G. Larry Harvey

07-01-84 - 06-30-85 26.30 HOURS AT 35.00 /HR
= 920.50

Wynne W. Browne

07-01-84 - 06-30-86 0.50 HOURS AT 30.00 /HR
= 15.00

Joyce D. Servidio

01-01-85 - 06-30-86 6.70 HOURS AT 35.00 /HR
= 234.50

David Lowy

01-01-86 - 12-31-87 11.00 HOURS AT 30.00 /HR
= 330.00

8.

In order to substantiate that the requested hourly rates are reasonable, attached are Exhibits 4, 5 and 6 which are affidavits from attorneys in the Burlington area which set forth their respective billing rates and further indicate the hourly rates for counsel with similar experience, reputation and skill.

9.

My environmental law practice and that of the environmental law group at Downs Rachlin & Martin since I have joined the firm has been limited to representing fee-paying clients, because of the risk associated with the representation of private attorneys general and plaintiffs

on a contingency fee basis. Thus, most of the hours spent on this matter would have been spent representing other clients who would pay our hourly rates on a monthly basis.

Nevertheless, all work associated with Defendant's statutory liability was taken on a contingent basis: had Plaintiffs not prevailed on their statutory claims, counsel for Plaintiffs would not be compensated at all for their services on these claims. In fact, to date, this firm has not received any payment for its services.

An important factor in this firm's decision to pursue Plaintiffs' statutory claims was the opportunity to have any eventual award of attorneys fees enhanced by the Court beyond the lodestar amount. This incentive, in my professional opinion, is necessary to attract competent counsel to represent private attorneys general in public interest litigation. Accordingly, I am of the opinion that Plaintiffs would have faced extreme difficulties in finding other local counsel of similar experience to pursue their claims under RCRA and the CWA on an hourly rate to be paid only on the contingency of success.

/s/ Richard N. Bland
Richard N. Bland

Sworn to and subscribed before me this 31 day of October, 1989.

/s/ Elizabeth Palmer
Notary Public
Commission Expires: 2/91

B3.40.1028

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ERNEST DAGUE, SR. BETTY L.)	
DAGUE, ADMINISTRATRIX OF)	
THE ESTATE OF ERNEST J.)	
DAGUE, II BETTY DAGUE and)	
ROSE A. BESSETTE)	
v.)	Civil Action No.
)	85-269
CITY OF BURLINGTON)	

AFFIDAVIT IN SUPPORT OF PLAINTIFFS'
APPLICATION FOR AWARD OF FEES AND COSTS

STATE OF ARIZONA)	
COUNTY OF PIMA)	ss AFFIDAVIT
)	

William W. Pearson, being duly sworn, deposes and states as follows:

1. From the beginning of this action until May 30, 1989, I was a partner in the law firm of Downs, Rachlin & Martin, attorneys for plaintiffs in this action. Since June 1, 1989, I have been with the firm of Molloy, Jones & Donahue in Tucson, Arizona. This affidavit provides additional support for plaintiffs' application for the award of fees and costs pursuant to this Court's Order of October 16, 1989, and 42 U.S.C. § 6972(e) and 33 U.S.C. § 1365(d).

2. My relevant background is as follows:

- A. B.A. degree from University of Chicago in 1968
- B. J.D. degree from Georgetown University Law Center in 1971

- C. Admitted to Indiana Bar and U.S. District Court, Southern District of Indiana in 1971
- D. Admitted to Vermont Bar in 1975 and the U.S. District Court, District of Vermont in 1977
- E. Admitted to U.S. Court of Appeals, 2nd Circuit in 1986
- F. Admitted to Arizona Bar and U.S. District Court, District of Arizona in 1989

3. I am an experienced trial attorney in the field of environmental law. I have handled a variety of environmental legal problems including hazardous and solid waste management, toxic torts, NPDES permits, landfills, lender liability for environmental hazards, environmental audits, wastewater treatment facilities, Superfund, RCRA, Act 250, underground storage tanks, and insurance coverage for environmental claims.

4. In practicing environmental law in Vermont, it is my experience that a very high percentage of fee paying clients retain big city, national law firms to do their high stakes, sophisticated environmental work. For example, Downs, Rachlin & Martin is one of only a couple Vermont law firms who are lead counsel for a significant party in Vermont's Superfund sites. The other significant parties are represented by law firms from such places as Boston, New York City, and Washington, D.C. These outside Vermont firms are hired because the laws are complex, the technical issues sophisticated and the financial stakes are high. Commensurate with their experience and expertise, these out-of-state firms charge hourly fees substantially higher than their Vermont counterparts.

5. Presently I am responsible for the environmental practice in Molloy, Jones & Donahue, which is one of the premier law firms in Tucson, Arizona, a city whose population is greater than all of Vermont. I am continuing my environmental law practice in the areas outlined above. My present hourly rate is \$170.00 per hour.

6. I have reviewed Exhibit 1 attached to plaintiffs' Application for Award of Fees and Costs. To the best of my knowledge, Exhibit 1 is a fair and accurate itemization of the legal services and costs related to this action for the time period stated therein.

7. Attached to this Affidavit is a supplementary account of legal services provided by me in this action from April 1985 until October 1985. During this time and as part of my routine billing practice at Downs, Rachlin & Martin for this type of case, I kept contemporaneous records of the date and time spent working on this case. While I did not make contemporaneous description entries for the work done, I have reviewed the time and descriptive entries of others and, based upon my best recollection, can state what acts I performed during this time. As the Court can see in comparing my account with the descriptive entries of others in my office working with me on the case, there is a consistent, detailed description of the services provided to the plaintiffs. To the best of my knowledge, information and belief, and herein made under oath, this attached account is a fair statement of the legal services provided by me for the time periods stated therein.

8. Concerning the plaintiffs' application for an enhancement of the fees as stated, it is my considered

judgment that the plaintiffs could have found no other attorneys to represent them other than Attorney Bland and myself based on the following:

- A. The plaintiffs had no funds with which to pay for legal services on an up-front basis;
- B. At the time this suit was brought Attorney Bland and I were among a handful of Vermont lawyers sufficiently sophisticated in this specialized area to handle plaintiffs' claims;
- C. Defendant is a political subdivision which does not function or have priorities like a private sector party thereby increasing the uncertainty of strategy and outcome;
- D. The enormous up-front expense in this case of services and costs incurred would be prohibitive to all but larger law firms.

9. In summary, in my professional judgment, the total lodestar and enhancement requested are reasonable and appropriate given all the factors listed in the Application itself and in this affidavit.

/s/ William W. Pearson
William W. Pearson

SUBSCRIBED AND SWORN TO before me this 31
day of October, 1989, by William W. Pearson.

My Commission Expires: 3/1/92
/s/ Leslie J. Morse
Notary Public

Sample Entry -

Date:	Atty:	Hours:	Amount:
Description of Services:			
04/03/85	WWP	0.50	221.00
04/04/85	WWP	0.60	
04/05/85	WWP	1.50	
Phone conferences with clients; conferences with clients at their home; review applicable laws and regulations; outline Retainer Agreement			
04/09/85	WWP	0.60	561.00
04/10/85	WWP	3.00	
04/11/85	WWP	1.50	
04/12/85	WWP	1.50	
Phone conferences with clients; conferences with clients at their home; site examination of landfill and surrounding properties; phone conferences with City Attorney's Office; outline document gathering plan; further review of Retainer Agreement			
04/15/85	WWP	3.50	1,198.50
04/16/85	WWP	2.00	
04/17/85	WWP	2.50	
04/18/85	WWP	2.60	
04/19/85	WWP	2.00	
04/23/85	WWP	1.00	
04/29/85	WWP	0.50	
Daily inspections of site to review and record City excavation activity; conferences about same with clients, City officials and State personnel; search for methane gas expert by contacting UVM and Vermont Gas; analyze methane gas data; review Federal and State regulations on methane gas control and standards			

05/02/85	WWP	3.40	544.00
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05/03/85	WWP	3.00	
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Site visits to review City excavation of landfill looking for unspecified suspected hazardous waste deposit; review same with clients; examine site photos

05/22/85	WWP	0.50	357.00
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06/17/85	WWP	1.00	
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07/02/85	WWP	0.30	
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07/12/85	WWP	0.90	
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07/17/85	WWP	1.50	
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Phone conferences with clients; site visits with clients; analyze gas data; analyze City damage to client's property from excavation as City replacement soil possibly contained road salts, methane; conferences with City Attorney's office about same; inspect site with City officials; review documents obtained from City

08/05/85	WWP	0.60	467.50
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08/13/85	WWP	1.00	
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08/20/85	WWP	1.00	
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08/21/85	WWP	0.50	
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08/25/85	WWP	0.60	
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08/30/85	WWP	1.80	
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Phone conferences with clients; phone conferences with State officials; review City/State assurances of discontinuance; read statutes and regulations regulating landfill operation

09/03/85	WWP	2.00	2,864.50
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09/11/85	WWP	1.50	
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09/12/85	WWP	1.50	
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09/13/85	WWP	1.20	
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09/17/85	WWP	1.50	
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09/19/85	WWP	0.50	
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09/23/85	WWP	1.00	
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09/24/85	WWP	4.00	
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09/25/85	WWP	6.00	
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09/26/85	WWP	1.00	
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09/27/85	WWP	4.50	
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09/30/85	WWP	9.00	
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In-depth review of statutes and regulations focusing on infraction of Federal and State enforcement programs; review documentation indicating disposal of hazardous waste in landfill; conferences with clients on methane gas problems; phone conferences with State officials on enforcement efforts; outline possible claims against City; analyze City's possible defenses; review Law Review articles and EPA policy statements on landfill regulations; phone conferences with environmental lawyers to obtain "second opinions" on merits of lawsuit; review State's lack of enforcement pattern and whether this provided City a defense; analyze whether State should be made co-defendant; plan further document investigation and interviews with former City employees; organize photograph historical search; organize map search

10/06/85	WWP	4.00	2,040.00
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10/07/85	WWP	4.00	
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10/08/85	WWP	10.00	
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10/09/85	WWP	1.00	
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10/10/85	WWP	3.00	
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10/11/85	WWP	2.00	
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Outline, draft, edit revise Complaint, Motion for Preliminary Injunction, Memorandum in Support of Motion; organize supporting documentation; conferences with clients; organize expert

search through UVM, Vermont Law School and Environmental Defense Fund; further analysis of State inaction and impact on this lawsuit; read numerous cases on CERCLA, RCRA and CWA; analyze merits of suing generators as well as City; review technical data gathered at landfill by City; prepare for preliminary injunction hearing by reviewing pleadings, documents, conferences with witnesses, listing exhibits, outlining witness, testimony, reviewing statutory standards, etc.

TOTAL	<u>97.10</u>	<u>\$8,253.50</u>
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DOWNS RACHLIN & MARTIN, PROF. CORP
9 PROSPECT STREET
POST OFFICE BOX 99
ST. JOHNSBURY, VT 05819-0099

October 30, 1989

MRS. ERNEST DAGUE
BURLINGTON, VT 05401

FILE NUMBER: 2369001

INVOICE NUMBER: 1

FOR THE PERIOD THROUGH October 30, 1989

DAGUE V. CITY OF BURLINGTON

Sample Entry -

Date:	Atty:	Hours:	Amount:
Description of Services:			

04-05-85	MJC	1.30	45.50
INTERVIEW CLIENTS REGARDING CLAIMS AGAINST CITY OF BURLINGTON.			

04-09-85	MJC	4.20	147.00
REVIEW FILE; INTERVIEW ERNIE DAGUE, JR. REGARDING DAMAGES AND CLAIMS AGAINST CITY; INTERVIEW STEVE GOODKIND REGARDING PAST AND FUTURE OPERATION OF LANDFILL; COPY GOODKIND FILE; FACT INVESTIGATION AT STREET DEPARTMENT REGARDING PLANS TO EXCAVATE FOR SEWER PIPE; STATUS REPORT TO ATTORNEY PEARSON REGARDING INTERVIEWS AND FACT INVESTIGATION; ORGANIZE FILE.			

04-10-85	MJC	2.70	94.50
SITE INSPECTION OF LANDFILL; INTERVIEW WITH JIM OGDEN AND BRIAN OSBOURNE OF THE BURLINGTON STREET DEPARTMENT; CONFERENCE WITH CLIENTS REGARDING LITIGATION AGAINST CITY; MEMORANDUM TO ATTORNEY PEARSON REGARDING STATE HAZARDOUS MATERIALS AND SOLID WASTE REGULATIONS; DRAFT MEDICAL RELEASES FOR CLIENTS RESEARCH TO GET LITERATURE ON OTHER TOXIC WASTE LAWSUITS.			

04-11-85	MJC	4.40	154.00
REVIEW LANDFILL NEWS ARTICLES; PHOTOGRAPH DAGUE PROPERTY BEFORE EXCAVATION; CONFERENCE WITH CLIENTS REGARDING RETAINER AGREEMENTS.			

04-12-85	MJC	2.50	87.50
CONFERENCE WITH CLIENTS REGARDING REVISED RETAINER AGREEMENTS; PICK UP CITY ATTORNEY'S LETTER REGARDING INDEMNIFICATION FOR EXCAVATION OF DAGUE PROPERTY.			

04-15-85	PHO	0.50	27.50
ANALYZE MUNICIPAL LIABILITY ISSUES AND REVIEW CASELAW REGARDING SAME; ANALYZE CONVEYANCING ISSUES.			
04-15-85	MJC	3.00	105.00
PROPERTY INSPECTION OF CITY EXCAVATION FOR SEWER PIPE; DRAFT MEMORANDUM REGARDING PRINCIPALS IN CASE.			
04-16-85	MJC	7.50	262.50
PROPERTY INSPECTION DURING INITIAL SEARCH FOR SEWER PIPE; PHOTOGRAPH SAME; CONFERENCE WITH CLIENTS AND STREET DEPARTMENT PERSONNEL REGARDING METHANE PROBLEM; REPORT TO ATTORNEY PEARSON REGARDING SAME.			
04-17-85	MJC	7.50	262.50
PROPERTY INSPECTION DURING RENEWED EXCAVATION FOR SEWER PIPE; PHOTOGRAPH SAME; CONFERENCE WITH STREET DEPARTMENT OFFICIALS AND CLIENTS REGARDING SAME			
04-18-85	MJC	5.50	192.50
CONTINUED PROPERTY INSPECTION DURING EXCAVATION OF CLIENTS' LAND; ADDITIONAL PHOTOGRAPHING; CONFERENCE WITH STREET DEPARTMENT PERSONNEL AND CLIENTS REGARDING SAME.			
04-19-85	MJC	5.80	203.00
FURTHER PROPERTY INSPECTION AND PHOTOGRAPH SAME; CONFERENCE WITH ATTORNEY PEARSON REGARDING METHANE LEVELS ON DAGUE PROPERTY; DEVELOP TEST FORM FOR CLIENT USE.			

04-22-85	MJC	5.30	185.50
DEVELOP FORMS FOR GAS WELL MONITORING; FILL IN ALL TEST DATA; SITE INSPECTION OF CITY WORK ON SEWER EXCAVATION; CONFERENCE WITH JONATHAN LEOPOLD REGARDING ACTION BY BURLINGTON FINANCE BOARD; SEARCH TITLE TO DAGUE PROPERTY; CONFERENCE WITH BURLINGTON ASSESSOR'S OFFICE REGARDING NORTH BOUNDARY LINE OF DAGUE PROPERTY; MEMORANDUM ON DAGUE PROPERTY LINES.			
04-23-85	MJC	0.40	14.00
REVIEW LATEST METHANE TEST RESULTS AND ENTER INTO COMPUTER LISTING.			
04-24-85	MJC	0.30	10.50
REVIEW PHOTOGRAPHS OF SEWER EXCAVATION			
04-24-85	JDS	0.50	17.50
SET UP COMPUTER TO LOG GAS WELL READINGS.			
04-29-85	MJC	1.00	35.00
FACT INVESTIGATION AT CITY HALL REGARDING FINANCE BOARD ACTION			
05-02-85	MJC	2.00	70.00
SITE INSPECTION OF LANDFILL DURING EXCAVATION FOR HAZARDOUS WASTES; CONFERENCE WITH CLIENTS AND POLICE REGARDING SEARCH; PLAN FURTHER INVESTIGATION; TELEPHONE CONFERENCE WITH LEGAL ASSISTANT LARRY HARVEY REGARDING SEARCH FOR BARRELS OF HAZARDOUS WASTE.			

05-02-85	GLH	4.00	140.00
INVESTIGATION INTO CIRCUMSTANCES SURROUNDING EXCAVATION OF CITY LANDFILL NEAR MR. DAGUE'S PROPERTY.			
05-02-85	JDS	2.00	70.00
COMPLETE INPUT OF GAS WELL READINGS; DRAFT PRINTOUT OF FIGURES AND GRAPHS OF BASEMENT, CHIMNEY AND WELL #5 READINGS.			
05-03-85	MJC	1.80	63.00
CONFERENCE WITH ATTORNEY PEARSON AND CLIENTS REGARDING CLAIMS AGAINST CITY AND CITY'S LIABILITY FOR DAMAGES TO DAGUE PROPERTY; PHOTOGRAPH RECENT EXCAVATION AND RESTORATION OF LAWN.			
05-03-85	GLH	1.00	35.00
MEMORANDUM TO FILE REGARDING EXCAVATION AT CITY'S LANDFILL.			
05-06-85	MJC	1.60	56.00
REVIEW NOTES; DRAFT MEMORANDUM REGARDING SITE INSPECTION DURING EXCAVATION FOR SEWER PIPE; ADD NEW GAS WELL READINGS TO COMPUTER LIST.			
05-07-85	MJC	0.80	28.00
RESEARCH NEWS ARTICLES REGARDING LANDFILL INVESTIGATION; FILE SAME; DRAFT LETTER TO CITY ATTORNEY GRETCHEN BAILEY REGARDING INFORMAL DISCOVERY.			
05-07-85	JDS	0.20	7.00
ANALYZE FUTURE USES OF DATABASE ESTABLISHED TO EVALUATE GAS READINGS.			

05-09-85	MJC	0.50	17.50
PLAN FOR FURTHER INVESTIGATION AND DISCOVERY; REVISE LETTER TO CITY ATTORNEY.			
05-13-85	MJC	0.30	10.50
RECORD NEWS BROADCAST REGARDING WITNESS TO HAZARDOUS WASTE DUMPING AT LANDFILL; CONFERENCE WITH ATTORNEY PEARSON REGARDING SAME AND FURTHER INVESTIGATION.			
05-14-85	MJC	0.20	7.00
REVIEW TRANSCRIPT OF NEWS STORY ON HAZARDOUS WASTE AND LANDFILL.			
05-15-85	MJC	2.00	70.00
REVIEW AND ANALYZE HAZARDOUS WASTE ISSUES; TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING STATUS OF GAS WELL MONITORING AND DISCOVERY FROM CITY; MEMORANDUM TO ATTORNEY PEARSON REGARDING SAME; COPY DEEDS; TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING OWNERSHIP AND LOCATION OF PROPERTY; MEMORANDUM TO ATTORNEY PEARSON REGARDING SAME.			
05-22-85	WWP	0.50	42.50
STATUS CONFERENCE WITH CLIENTS.			
05-24-85	MJC	1.00	35.00
ENTER DATA FROM GAS WELL TEST RESULTS INTO COMPUTER FORM; REVIEW GOODKIND LETTER TO CLIENT REGARDING TEST RESULTS FROM DEEP WELL.			

05-29-85 MJC 0.80 28.00
REVIEW GRAPHS OF GAS WELL TEST
RESULT AND [sic] ROUTE TO ATTORNEY
PEARSON; DRAFT LETTER TO CLIENTS
REGARDING STATUS OF CASE.

05-29-85 JDS 1.50 52.50
ADD BASEMENT, CHIMNEY AND WELL
READINGS TAKEN BETWEEN 4-22-85 AND
5-21-85 TO EXISTING DATABASE; PRINTOUT
REVISED LIST OF READINGS; PRINTOUT
GRAPHS OF GAS WELL READING TRENDS
FOR BASEMENT, CHIMNEY AND WELL #5.

06-03-85 MJC 0.30 10.50
REVISE STATUS REPORT TO CLIENTS.

06-10-85 MJC 2.70 94.50
TELEPHONE CONFERENCE WITH ERNIE
DAGUE, JR. AND ATTORNEY GRETCHEN
BAILEY REGARDING STATUS OF CITY'S
REPLACEMENT OF CLIENTS' LAWN; TELE-
PHONE CONFERENCE WITH LANDSCAPING
FIRMS REGARDING FEASIBILITY OF SOD-
DING AND USE; CONFERENCE WITH CLI-
ENTS REGARDING SAME.

06-11-85 MJC 0.50 17.50
ANALYZE POSSIBLE SOLUTIONS TO GRASS-
GROWING PROBLEM FOR CLIENTS.

06-13-85 MJC 0.60 21.00
TELEPHONE CONFERENCE WITH ATTOR-
NEY GRETCHEN BAILEY REGARDING CITY'S
DECISION ON CLIENTS' LAWN; TELEPHONE
CONFERENCE WITH BETTY DAGUE.

06-14-85 MJC 1.00 35.00
TELEPHONE CONFERENCE WITH ATTOR-
NEY GRETCHEN BAILEY REGARDING CITY'S

DECISION ON CLIENTS' LAWN; MEMORAN-
DUM TO ATTORNEY PEARSON REGARDING
SAME.

07-02-85 WWP 0.30 25.50
ANALYZE DAMAGES TO CLIENTS' PROP-
ERTY.

07-02-85 MJC 1.20 48.00
TELEPHONE CONFERENCE WITH ERNIE
DAGUE, JR. REGARDING RESTORATION OF
LAWN, AND OTHER DEMANDS TO CITY;
MEMORANDUM REGARDING SAME TO
ATTORNEY PEARSON; TELEPHONE CONFER-
ENCE WITH ATTORNEY GRETCHEN BAILEY
TO SCHEDULE INSPECTION OF DAGUE
PREMISES.

07-09-85 MJC 1.00 40.00
TELEPHONE CONFERENCE WITH ATTOR-
NEY BAILEY REGARDING INSPECTION OF
DAMAGE TO DAGUE LAWN; CONFERENCE
WITH AND MEMORANDUM TO ATTORNEY
PEARSON REGARDING SAME; TELEPHONE
CONFERENCE WITH ERNIE DAGUE, SR.
REGARDING SAME.

07-17-85 MJC 1.20 48.00
INSPECTION OF DAGUE PROPERTY WITH
ATTORNEY PEARSON, ATTORNEY
GRETCHEN BAILEY, SID BAKER, CITY
ARBORIST, AND DAGUES; CONFERENCE
WITH CLIENTS REGARDING CLAIMS
AGAINST CITY AND POSSIBLE SETTLEMENT.

07-18-85 MJC 1.60 64.00
LETTER TO CLIENTS REGARDING GAS WELL
TEST RESULTS; PHOTOGRAPH PRESENT
STATE OF PROPERTY.

08-05-85	MJC	0.30	12.00
CONFERENCE WITH ATTORNEY PEARSON REGARDING FURTHER INVESTIGATION AND STRATEGY.			
08-07-85	MJC	1.00	40.00
TELEPHONE CONFERENCE WITH STEVE GOODKIND REGARDING DOCUMENTS AVAILABLE ON OPERATION AND MAINTENANCE OF BURLINGTON LANDFILL; TELEPHONE CONFERENCE WITH ATTORNEY BAILEY REGARDING RESPONSES TO INFORMAL DISCOVERY REQUESTS; TELEPHONE CONFERENCE WITH JIM OLSEN REGARDING REPORT OF SOIL TESTING; TELEPHONE CONFERENCE WITH VAEC REGARDING DOCUMENTS ON BURLINGTON LANDFILL.			
08-08-85	MJC	1.00	40.00
COLLECT NEWS ARTICLE ON LANDFILL; TELEPHONE CONFERENCE WITH ERNIE DAGUE, SR. REGARDING DUST FROM LANDFILL; TELEPHONE CONFERENCE WITH STEVE GOODKIND REGARDING SAME; CONFERENCE WITH ATTORNEY PEARSON REGARDING SAME AND DEVELOPMENT OF COMPLAINT; TELEPHONE CONFERENCE WITH VERMONT SOLID WASTE DEPARTMENT REGARDING DOCUMENTS ON LANDFILL.			
08-12-85	MJC	7.00	280.00
REVIEW AND REORGANIZE FILE; SEARCH BURLINGTON DEPARTMENT OF HEALTH AND SAFETY FILES ON BURLINGTON LANDFILL; COPY IMPORTANT DOCUMENTS FROM SAME; CONFERENCE WITH STEVE GOODKIND REGARDING COMPLETENESS OF FILE; VISIT LANDFILL SITE AND INSPECT			

ASPHALT DEPOSITS; CONFERENCE WITH CLIENTS REGARDING PAST AND PRESENT DEALINGS WITH THE CITY.			
08-13-85	MJC	3.50	140.00
RESEARCH STATE SOLID WASTE FILES ON BURLINGTON LANDFILL; CONFERENCE WITH JULIE HACKBARTH REGARDING HISTORY AND FUTURE OPERATION OF BURLINGTON LANDFILL; COPY DOCUMENTS FROM STATE FILES; CONFERENCE WITH ATTORNEY PEARSON REGARDING SAME.			
08-14-85	MJC	0.50	20.00
ORGANIZE DOCUMENTS RECEIVED FROM AEC AND CITY.			
08-15-85	MJC	1.50	60.00
REVIEW DAGUE GAS WELL READINGS AND TABULATE FOR COMPUTER PROGRAM; REVIEW DOCUMENTS BETWEEN CITY AND STATE REGARDING OPERATION OF LANDFILL; MEMORANDA TO ATTORNEY PEARSON REGARDING FACT INVESTIGATION AND HISTORY OF BURLINGTON LANDFILL.			
08-20-85	MJC	0.70	28.00
REVIEW MEMORANDA TO ATTORNEY PEARSON REGARDING LANDFILL AND PROGRESS OF INVESTIGATION; PROCESSING PHOTOS OF LAWN TAKEN ON 8@15@85.			
08-21-85	MJC	0.50	20.00
CONFERENCE WITH ATTORNEY PEARSON REGARDING PLAN FOR FURTHER INVESTIGATION.			
08-26-85	MJC	7.50	300.00
REVIEW AEC FILES; COPY DOCUMENTS; CONFERENCE WITH RUTH EINSTEIN			

REGARDING HAZARDOUS WASTE NOTIFICATION FORMS FILED BY GENERATORS AND POSSIBLE HAZARDOUS WASTE DUMPING AT BURLINGTON LANDFILL.

08-27-85	MJC	3.50	140.00
ORGANIZE FILE; REVIEW DOCUMENTS; CONFERENCE WITH ATTORNEY PEARSON REGARDING NEWLY DISCOVERED EVIDENCE OF IMPROPER OPERATION OF BURLINGTON LANDFILL; TELEPHONE CONFERENCE WITH CLIENTS REGARDING PROGRESS OF INVESTIGATION.			
08-28-85	MJC	0.30	12.00
CONFERENCE WITH ATTORNEY PEARSON REGARDING PREPARATION OF FACTUAL SUMMARY AS BASIS FOR LEGAL ACTION.			
08-29-85	RNB	4.10	184.50
CONFERENCE WITH ATTORNEY PEARSON REGARDING LEGAL THEORIES TO PURSUE AGAINST CITY AND-OR STATE; REVIEW MEMORANDUM FROM RUTH EINSTEIN, CHRONOLOGY OF LANDFILL VIOLATIONS, AND ARTICLE ON LIABILITY FOR CLEANUP OF HAZARDOUS WASTE DISPOSAL SITES; LEGAL RESEARCH UNDER FEDERAL WATER POLLUTION CONTROL ACT, RESOURCE CONSERVATION AND RECOVERY ACT, AND GROUNDWATER PROTECTION UNDER FEDERAL AND VERMONT LAW.			
08-29-85	MJC	1.50	60.00
CONFERENCE WITH ATTORNEY PEARSON REGARDING FACTS FOR COMPREHENSIVE COMPLAINT; REVIEW FILE FOR THAT PURPOSE; REVIEW GAS WELL GRAPHS.			

8-29-85	JDS	2.50	87.50
PRINT-OUT AND REVIEW GAS READINGS IN WELL NOS. 6 THROUGH 22.			
08-30-85	RNB	6.20	279.00
LEGAL RESEARCH UNDER FEDERAL CLEAN WATER ACT, RESOURCE CONSERVATION AND RECOVERY ACT AND COMMON LAW THEORIES FOR ENVIRONMENTAL HARM.			
08-30-85	MJC	0.50	20.00
ANALYZE EPA INVOLVEMENT WITH BURLINGTON LANDFILL OPERATION AND CERTIFICATION.			
08-31-85	RNB	3.00	135.00
CONTINUE LEGAL RESEARCH UNDER FEDERAL ENVIRONMENTAL STATUTES AND VERMONT LAW.			
09-03-85	RNB	1.30	58.50
CONFERENCE WITH ATTORNEY PEARSON TO ANALYZE LEGAL THEORIES AND FACTUAL INVESTIGATION.			
09-03-85	MJC	7.60	304.00
CONFERENCE WITH ATTORNEY PEARSON REGARDING STRATEGY AND DIVISION OF LABOR TO PURSUE CLAIM AGAINST CITY; TELEPHONE CONFERENCES WITH JAMES OGDEN, JONATHAN LEOPOLD, AND ATTORNEY JOSEPH MCNEIL REGARDING APPROPRIATION OF \$10 MILLION BOND ISSUE; LETTER TO JONATHAN LEOPOLD AND ATTORNEY MCNEIL.			
09-05-85	MJC	6.50	260.00
REVIEW AEC FILES ON BURLINGTON LANDFILL; DRAFT OUTLINE OF VIOLATIONS OF			

VERMONT WASTE MANAGEMENT REGULATIONS.

09-06-85	MJC	0.40	16.00
TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING LACK OF COVER OVER GARBAGE AT BURLINGTON LANDFILL AND FUTURE PLANS FOR LEGAL ACTION AGAINST CITY REGARDING LANDFILL.			
09-08-85	MJC	1.80	72.00
PHOTOGRAPH BURLINGTON LANDFILL TO SHOW STATUS OF COVERING OPERATION AND PROXIMITY TO POND AND WILDLIFE; INSPECTION OF LANDFILL.			
09-10-85	RNB	3.60	162.00
THOROUGH REVIEW AND ANALYSIS OF FACTS AND LEGAL RESEARCH COMPLETED TO DATE.			
09-10-85	MJC	5.20	208.00
CONFERENCE WITH ATTORNEY PEARSON REGARDING FURTHER WORK TO BE DONE; REVIEW VAEC FILE ON BURLINGTON LANDFILL AND OUTLINE SAME.			
09-11-85	WWP	1.50	127.50
REVIEW LAW REVIEW ARTICLES AND CASES ON RCRA.			
09-11-85	RNB	5.40	243.00
LEGAL RESEARCH ON CASELAW UNDER FEDERAL CLEAN WATER ACT AND RESOURCE CONSERVATION AND RECOVERY ACT, AND SOVEREIGN IMMUNITY CASES; REVIEW BURLINGTON'S APPLICATION FOR CERTIFICATION OF LANDFILL; REVIEW			

REPORT ON RESOURCE RECOVERY FACILITY.

09-11-85	MJC	7.20	288.00
REVIEW FILE; CORRELATE FACTUAL INVESTIGATION WITH LEGAL RESEARCH IN PREPARATION FOR DRAFTING COMPLAINT; CONFERENCE WITH STEVEN GOODKIND; REVIEW STREET DEPARTMENT FILES AND COPY DOCUMENTS; CONFERENCE WITH CITY CLERK AND COPY DOCUMENTS; CONFERENCE WITH JIM OGDEN; REVIEW AMENDMENTS.			
09-12-85	RNB	4.50	202.50
BEGIN DRAFTING MEMORANDUM OUTLINING LEGAL THEORIES TO PURSUE; REVIEW AND ANALYZE ASSURANCES OF DISCONTINUANCE AND HEALTH DEPARTMENT'S FILE REGARDING LANDFILL.			
09-12-85	MJC	6.20	248.00
REVIEW FILE; CONFERENCE WITH ATTORNEY PEARSON REGARDING LEACHATE TEST RESULTS NEEDED IN PREPARATION FOR DRAFTING COMPLAINT; REVIEW BURLINGTON HEALTH AND SAFETY FILE AND COPY SAME; REVIEW ASSURANCES OF DISCONTINUANCE AND OUTLINE VIOLATIONS BY CITY OF BURLINGTON.			
09-13-85	RNB	5.50	247.50
DRAFT MEMORANDUM ON PRIMARY JURISDICTION AND SOVEREIGN IMMUNITY; CONTINUE REVIEW OF FACT DOCUMENTS.			
09-13-85	MJC	0.50	20.00
CONFERENCE WITH ATTORNEY PEARSON REGARDING ORGANIZATION OF FILES.			

09-16-85	MJC	4.00	160.00
ORGANIZE FILE; COPY REPORTS RECEIVED FROM VAEC AND RETURN SAME; ORGANIZE VAEC MATERIALS.			
09-17-85	RNB	.50	22.50
CONFERENCE WITH ATTORNEY PEARSON REGARDING FACT INVESTIGATION AND LEGAL THEORIES.			
09-17-85	MJC	6.00	240.00
REVIEW TOXIC WASTE FILE FROM AEC AND DRAFT LIST OF CHEMICALS DUMPED IN BURLINGTON LANDFILL; REVIEW CITY OF BURLINGTON FILES FOR COPY OF FIRST ASSURANCE OF DISCONTINUANCE; CONFERENCE WITH STEVE GOODKIND REGARDING SAME.			
09-18-85	MJC	3.50	140.00
REVIEW AEC FILE ON BURLINGTON LANDFILL; COPY DOCUMENTS.			
09-19-85	WWP	.50	42.50
READ UVM BOTANY STUDENT'S PAPER ON LANDFILL.			
09-19-85	MJC	1.00	40.00
ORGANIZE DOCUMENTS RECEIVED FROM VAEC; TELEPHONE CONFERENCE WITH VERMONT MAPPING AGENCY; LETTER TO SAME REGARDING ORTHOPHOTOS OF BURLINGTON LANDFILL TO LOCATE POINT SOURCES.			
09-23-85	MJC	1.00	40.00
CONFERENCE WITH ATTORNEY PEARSON REGARDING BACKGROUND FOR DRAFTING COMPLAINT AND MOTION FOR PRELIMINARY INJUNCTION.			

09-23-85	GLH	0.30	10.50
REVIEW CITY OF BURLINGTON AND STATE OF VERMONT REPORTS ON WATER SAMPLES TAKEN AT DESIGNATED AREAS AROUND LANDFILL OVER THE PAST FEW YEARS AND COMPARE RESULTS WITH THE FEDERAL STANDARDS.			
09-24-85	RNB	9.70	436.50
LEGAL RESEARCH ON RCRA'S HAZARDOUS WASTE MANAGEMENT PROVISIONS AND REGULATIONS ON "OPEN DUMPING" OF SOLID WASTES; LEGAL RESEARCH ON VERMONT'S WASTE MANAGEMENT ACT; BEGIN DRAFTING COMPLAINT; FURTHER ANALYSIS OF RCRA REGULATIONS.			
09-24-85	MJC	4.20	168.00
DRAFT LETTER TO STATE FOR ORTHOPHOTO MAPS TO BE USED AS TRIAL EXHIBITS; REVIEW ASSURANCES OF DISCONTINUANCE AND DRAFT MEMORANDUM OUTLINING VIOLATIONS OF ASSURANCE BY CITY OF BURLINGTON; DEVELOP FACTUAL ALLEGATIONS FOR COMPLAINT.			
09-25-85	RNB	8.60	387.00
CONTINUE LEGAL RESEARCH AND ANALYSIS OF RCRA REQUIREMENTS AND REGULATIONS; CONFERENCE WITH ATTORNEY PEARSON REGARDING COMPLAINT AND DEFENSES THERETO; OUTLINE CITY'S VIOLATIONS OF ASSURANCES OF DISCONTINUANCE.			

09-25-85	MJC	6.50	260.00
CONTINUE TO OUTLINE CITY'S VIOLATIONS OF ASSURANCES; REVIEW FILE TO DOCUMENT SAME; PREPARE EXHIBITS FOR USE AS COMPLAINT ATTACHMENTS OR FOR WITNESS EXAMINATIONS; CONFERENCE WITH ATTORNEY PEARSON REGARDING OVERALL STRATEGY AND DIRECTION OF COMPLAINT AND FACTUAL ALLEGATIONS.			
09-25-85	GLH	2.00	70.00
IDENTIFY AND LOCATE CITY OF BURLINGTON STREET DEPARTMENT EMPLOYEE WHO OPERATED HEAVY EQUIPMENT AT THE CITY LANDFILL.			
09-26-85	WWP	1.00	85.00
ANALYZE FACTUAL ALLEGATIONS OF COMPLAINT AND REVIEW EXHIBITS; TELEPHONE CONFERENCE WITH MR. PURCELL.			
09-26-85	RNB	9.80	441.00
DRAFT FACT SECTIONS OF COMPLAINT AND COMPILE SUPPORTING DOCUMENTATION; ANALYZE PLEADING IN ALTERNATIVE UNDER RCRA BASED ON HYBRID STATUS OF LANDFILL.			
09-26-85	MJC	8.50	340.00
ASSIST IN DRAFTING COMPLAINT; REVIEW FILE AND VERIFY ALL FACTUAL ALLEGATIONS; REVIEW FEDERAL RCRA REQUIREMENTS AS APPLIED TO BURLINGTON LANDFILL; CONFERENCE WITH ATTORNEY PEARSON REGARDING ALTERNATIVE ALLEGATIONS BASED ON REGULATORY STATUS OF BURLINGTON LANDFILL.			

09-27-85	RNB	6.70	301.50
CONTINUE DRAFTING FACT SECTIONS OF COMPLAINT.			
09-27-85	MJC	5.50	220.00
REVIEW FILE; SUBSTANTIATE FACTUAL ALLEGATIONS OF COMPLAINT; DRAFT MEMORANDUM REGARDING REGULATORY VIOLATIONS BY CITY; DRAFT LIST OF CITY'S VIOLATIONS OF ASSURANCES FOR ALLEGATIONS IN COMPLAINT.			
09-29-85	RNB	6.90	310.50
FINISH DRAFTING AND SUBSTANTIATING FACT SECTIONS OF COMPLAINT.			
09-29-85	MJC	5.80	232.00
ANALYZE FACTUAL HISTORY OF BURLINGTON LANDFILL AND ADMISSIONS OF LIABILITY BY CITY AND STATE; REVIEW AND ORGANIZE LANDFILL WATER WELL TEST RESULTS; DRAFT LIST OF EPA CONTAMINANTS FOUND IN LANDFILL TEST RESULTS.			
09-30-85	RNB	10.40	468.00
DRAFT COUNT I-RCRA VIOLATIONS AND COUNT II-CLEAN WATER ACT VIOLATIONS OF COMPLAINT.			
09-30-85	MJC	9.00	360.00
REVIEW SCIENTIFIC STUDIES PERFORMED ON BURLINGTON LANDFILL; REVISE LIST OF "TOXIC POLLUTANTS" IN LEACHATE GENERATED BY BURLINGTON LANDFILL; REVIEW FEDERAL REGULATIONS FOR VIOLATIONS BY CITY REGARDING LANDFILL MANAGEMENT; ASSIST IN DRAFTING FACTUAL ALLEGATIONS OF COMPLAINT; CONFERENCE WITH ATTORNEY PEARSON			

REGARDING OVERALL DIRECTION OF LAWSUIT.

10-01-85	RNB	10.40	468.00
DRAFT COUNTS III - VII OF THE COMPLAINT AND REVISE SAME.			
10-01-85	MJC	6.00	240.00
TELEPHONE CONFERENCE WITH TOM MOREAU OF BURLINGTON WATER DEPARTMENT REGARDING APPOINTMENT TO REVIEW LANDFILL FILES AT WATER DEPARTMENT; CONFERENCE WITH TOM MOREAU; REVIEW OF WATER DEPARTMENT FILE.			
10-02-85	RNB	11.10	499.50
REVISE COMPLAINT; CONFERENCE WITH ATTORNEY PEARSON TO ANALYZE RCRA AND CWA PROVISIONS AND REGULATIONS.			
10-02-85	MJC	7.80	312.00
ASSIST IN DRAFTING COMPLAINT; REVIEW OF FEDERAL REGULATIONS AND STATUTES AND APPLICATION OF FACTS TO LAW; CONFERENCE WITH ATTORNEY PEARSON REGARDING SAME.			
10-03-85	RNB	8.60	387.00
DRAFT FURTHER REVISIONS TO COMPLAINT.			
10-03-85	MJC	4.00	160.00
COMPILE SUPPORTING DOCUMENTATION FOR FACTUAL ALLEGATIONS COMPLAINT; REVIEW FEDERAL AND STATE REGULATIONS AND STATUTES.			
10-06-85	RNB	4.30	193.50
CONTINUE TO REVISE COMPLAINT, INCLUDING SECTIONS ON PLAINTIFFS'			

INJURIES AND COUNT VIII ON UNCOMPENSATED TAKING; CONFERENCE WITH ATTORNEY PEARSON REGARDING SAME.

10-07-85	RNB	7.50	337.50
IDENTIFY AND ANALYZE CLEAN WATER ACT STANDARDS FOR PLAINTIFFS' MEMORANDUM FOR PRELIMINARY INJUNCTION; REVIEW SUPPORTING MEMORANDUM FOR PRELIMINARY INJUNCTION; REVISE SECTIONS OF COMPLAINT, CONFERENCE WITH ATTORNEY PEARSON REGARDING COMPLAINT AND SUPPORTING MEMORANDUM FOR PRELIMINARY INJUNCTION.			
10-07-85	MJC	3.50	140.00
REVISE EXHIBIT A TO COMPLAINT; REVIEW ASSURANCES OF DISCONTINUANCE TO DOCUMENT VIOLATIONS BY CITY; TELEPHONE CONFERENCE WITH CLIENTS REGARDING FILING OF LAWSUIT.			
10-08-85	RNB	8.50	382.50
REVIEW COMPLAINT WITH ERNEST DAGUE, SR. AND ERNEST DAGUE, JR.; REVISE SECTIONS OF PLAINTIFFS' MEMORANDUM IN SUPPORT OF A PRELIMINARY INJUNCTION; PROOFREAD COMPLAINT.			
10-08-85	MJC	5.20	208.00
CONFERENCE WITH ATTORNEY BLAND REGARDING PLAN FOR COMPLETION OF COMPLAINT AND ASSOCIATED DOCUMENTS; TELEPHONE CONFERENCE WITH EPA AND U.S. ATTORNEY GENERAL'S OFFICE IN WASHINGTON, D.C. REGARDING SERVICE OF PROCESS REQUIRED BY FEDERAL STATUTE; TELEPHONE CONFERENCE			

WITH CONSERVATION LAW FOUNDATION REGARDING SAME AND THEORIES APPLICABLE TO DAGUE CASE; PREPARATION FOR FILING OF COMPLAINT.

10/09/85	MJC	4.50	180.00
FILE COMPLAINT AND DELIVER TO ATTORNEYS BAILEY AND MCNEIL; TELEPHONE CONFERENCE WITH ATTORNEY MCNEIL TO VERIFY ACCEPTANCE OF SERVICE; DRAFT LETTER REGARDING SERVICE BY MAIL TO EPA AND U.S. ATTORNEY GENERAL; ORGANIZE FILE IN PREPARATION FOR FURTHER WORK ON CASE.			
10/10/85	RNB	0.90	40.50
PREPARATION FOR PRELIMINARY INJUNCTION HEARING.			
10/11/85	RNB	6.20	279.00
LEGAL RESEARCH ON "POINT SOURCES" UNDER THE CLEAN WATER ACT; LEGAL RESEARCH ON "SUBSTANTIAL AND IMMEDIATE ENDANGERMENT" STANDARD IN ENVIRONMENTAL STATUTES; LEGAL RESEARCH ON WETLAND PROTECTION; CONFERENCE WITH ATTORNEY PEARSON REGARDING FURTHER ANALYSIS OF POSSIBLE DEFENSES UNDER RCRA AND CWA.			
10/11/85	MJC	2.50	100.00
PREPARATION FOR HEARING ON MOTION FOR PRELIMINARY INJUNCTION.			
10/14/85	WWP	3.50	297.50
INTERVIEW MR. BISSETTE [sic]; DRAFT RETAINER AGREEMENT; READ NOTIFICATION REGULATIONS; IDENTIFY EXPERTS FOR AFFIDAVITS; REVIEW COMPLAINT FOR FACTUAL BASIS.			

10/14/85	RNB	7.20	324.00
LEGAL RESEARCH ON CASELAW AND COMMENTARY UNDER RCRA AND CWA; INTERVIEW WITH DONALD R. BESSETTE REGARDING HIS MOTHER JOINING LAWSUIT; CONFERENCE WITH ATTORNEY PEARSON REGARDING NEED FOR METHANE GAS EXPERT AND EXPERT ON ENDANGERMENT PRESENTED BY LANDFILL.			
10/14/85	MJC	5.30	212.00
PREPARE PACKAGE OF INFORMATIONAL MATERIALS FOR POTENTIAL EXPERTS; ARRANGE FOR COPYING OF SAME; REVIEW ALDERMEN'S AGENDA FOR POSSIBLE PUBLIC MEETING ON LANDFILL LAWSUIT; CONFERENCE ATTORNEY PEARSON IN PREPARATION FOR PRELIMINARY INJUNCTION HEARING; DRAFT INDEX TO EXPERT MATERIALS; CONFERENCE WITH MR. BESSETTE REGARDING NUISANCE AND METHANE GAS CLAIMS AND POSSIBILITY OF HIS MOTHER JOINING LAWSUIT AS PLAINTIFF.			
10/15/85	WWP	4.20	357.00
TELEPHONE CONFERENCE WITH DR. FIRESTONE, DR. REED, AND DR. ROEBUCK; REVIEW TOXICOLOGY MATERIAL; REVIEW FEDERAL RCRA REGULATIONS ON OPEN DUMPING.			
10/15/85	RNB	6.20	279.00
LEGAL RESEARCH OF CASELAW AND LEGISLATIVE HISTORY OF RCRA AND CWA FOR PRELIMINARY INJUNCTION HEARING; TELEPHONE CONFERENCE WITH THOMAS MARTIN OF EPA, REGION V. REGARDING EXPERT TO LOOK AT DATA AND TESTIFY AS			

TO HAZARD PRESENTED TO PUBLIC HEALTH AND THE ENVIRONMENT; FURTHER PREPARATION FOR HEARING.

10/15/85	MJC	0.80	32.00
REVIEW PHOTOS OF LANDFILL SITE AND FILE; CONFERENCE WITH ATTORNEY PEARSON REGARDING ORGANIZATION OF FILE IN PREPARATION FOR HEARING AND FURTHER INVESTIGATION IN PREPARATION FOR HEARING.			
10/15/85	WWB	0.50	15.00
LEGAL RESEARCH OF CASES AND LEGISLATIVE HISTORY UNDER RCRA AND CWA.			
10/16/85	WWP	1.50	127.50
TELEPHONE CONFERENCE WITH POTENTIAL EXPERTS, DRS. FIRESTONE AND REED; REVIEW LISTS OF HAZARDOUS WASTES.			
10/16/85	RNB	3.70	166.50
LEGAL RESEARCH ON REQUIREMENT OF SECURITY FOR THE ISSUANCE OF A PRELIMINARY INJUNCTION; ANALYZE INVESTIGATIVE FINDINGS AT BESSETTE RESIDENCE; LEGAL RESEARCH OF LEGISLATIVE HISTORIES OF "HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984" AND "SOLID WASTE DISPOSAL ACT."			
10/16/85	MJC	4.00	160.00
INTERVIEW DON AND ROSE BESSETTE AT MRS. BESSETTE'S HOME; INVESTIGATION OF METHANE GAS MIGRATION THERE; COMPILE AND SEND EXPERT MATERIALS TO EXPERTS.			
10/17/85	RNB	4.20	189.00
TELEPHONE CONFERENCE WITH DR. ROEBUCK OF DARTMOUGH [sic] MEDICAL			

SCHOOL REGARDING REVIEW OF DATA TO TESTIFY TO DETERMINE THAT LANDFILL MAY PRESENT A SUBSTANTIAL AND IMMINENT HAZARD TO THE PUBLIC HEALTH OR THE ENVIRONMENT; FURTHER RESEARCH OF CASELAW UNDER RCRA AND CWA.

10/18/85	WWP	5.50	467.50
REVIEW FACT DOCUMENTS AND AMENDED PLEADINGS.			
10/18/85	RNB	6.30	283.50
LEGAL RESEARCH ON LEGISLATIVE HISTORIES OF RCRA AND CWA; DRAFT MOTION AND ORDER TO ADD A PARTY PLAINTIFF AND FILE AN AMENDED COMPLAINT; DRAFT AMENDED COMPLAINT; CONFERENCE WITH ATTORNEY PEARSON REGARDING MEETING WITH JULIE HACKBARDTH [sic].			
10/18/85	MJC	1.00	40.00
CONFERENCE WITH DON BESSETTE AND LOUIS BESSETTE.			
10/18/85	GLH	2.50	87.50
INTERVIEWS OF PROPERTY OWNERS ADJACANT TO THE CITY LANDFILL.			
10/21/85	WWP	5.50	467.50
CONFERENCE WITH CLIENTS; DRAFT AFFIDAVITS; RESEARCH OPEN DUMPING REGULATIONS UNDER RCRA AND COMPARE WITH AVAILABLE EVIDENCE.			
10/21/85	RNB	2.40	108.00
PREPARE FOR CONFERENCE WITH DAGUES ABOUT STATUS OF CASE AND ADDING ROSE A. BESSETTE AS A PARTY PLAINTIFF; LEGAL RESEARCH ON REGULATION OF METHANE GAS UNDER RCRA; LEGAL			

RESEARCH ON GROUNDWATER PROTECTION UNDER RCRA.

10/21/85	MJC	2.20	88.00
CONFERENCE WITH ATTORNEY PEARSON REGARDING ADDING ROSE BESSETTE AS PARTY PLAINTIFF TO LAWSUIT; CONFERENCE WITH DAGUES REGARDING SAME.			
10/22/85	WWP	5.50	467.50
READ AND RESPOND TO MOTION TO CONTINUE; TELEPHONE CONFERENCE WITH COURT; REVISE OPPOSING MEMORANDUM; LEGAL RESEARCH ON PRELIMINARY INJUNCTION GROUNDS.			
10/22/85	RBL	2.50	150.00
PREPARATION FOR HEARING ON MOTION FOR PRELIMINARY INJUNCTION; LEGAL RESEARCH REGARDING MOTION TO JOIN AND MOTION TO AMEND COMPLAINT.			
10/22/85	RNB	7.30	328.50
TELEPHONE CONFERENCE WITH DR. WILLIAM ROEBUCK OF DARTMOUTH MEDICAL SCHOOL REGARDING HIS REVIEW OF EXPERT MATERIALS; TELEPHONE CONFERENCE WITH PROFESSOR REED OF VERMONT LAW SCHOOL REGARDING HIS REVIEW OF THE EXPERT DATA; PREPARATION FOR PRELIMINARY INJUNCTION HEARING AND ANALYZE MOTION TO CONTINUE HEARING FOR PRELIMINARY INJUNCTION; DRAFT OPPOSING MEMORANDUM.			
10/22/85	MJC	3.00	120.00
INTERVIEW WITH TIM LYMAN, SITE VIEWING AND PHOTOS.			

10/23/85	WWP	5.50	467.50
WORK ON HERMANCE AFFIDAVIT; TWO TELEPHONE CONFERENCES WITH DR. HERMANCE; READ METHANE GAS REPORTS; REVIEW OTHER AFFIDAVITS; FURTHER RESEARCH ON PRELIMINARY INJUNCTION STANDARDS; DELIVER DOCUMENTS TO HERMANCE.			
10/23/85	RBL	4.00	240.00
LEGAL RESEARCH IN RESPONSE TO MOTION TO CONTINUE HEARING FOR PRELIMINARY INJUNCTION; COMPREHENSIVE REVISION TO MEMORANDUM IN OPPOSITION; EDIT FINAL DRAFT OF MOTION TO JOIN AND AMEND COMPLAINT.			
10/23/85	RNB	8.70	391.50
DRAFT AFFIDAVITS IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION; REVISE OF MEMORANDUM IN OPPOSITION TO MOTION TO CONTINUE HEARING; TELEPHONE CONFERENCE WITH CHRIS FASTIE, GRADUATE STUDENT OF DEPARTMENT OF BOTANY AT UVM REGARDING HIS AFFIDAVIT AND THE UVM HYDROGEOLOGIC STUDY.			
10/23/85	MJC	4.20	168.00
TELEPHONE CONFERENCE WITH RUTH EINSTEIN AND JULIE HACKBARTH REGARDING TESTIMONY AT PRELIMINARY INJUNCTION HEARING; DRAFT DAGUE AFFIDAVIT AND TWO CASE AFFIDAVITS; ORGANIZE FILE IN PREPARATION FOR PRELIMINARY INJUNCTION HEARING; PREPARE INFORMATION PACKAGE FOR EXPERTS.			

10/24/85 WWP 3.00 255.00
 PREPARATION AND FILING OF AFFIDAVITS;
 TELEPHONE CONFERENCES WITH EXPERTS;
 TELEPHONE CONFERENCES WITH MS.
 SMITH; CONFERENCE WITH CLIENTS; PRE-
 PARE FOR HEARING.

10/24/85 RBL 3.00 180.00
 DRAFT ADDITIONAL LANGUAGE TO SUP-
 PLEMENT MEMORANDUM IN OPPOSITION
 TO MOTION TO CONTINUE; DRAFT MEM-
 ORANDUM ON PRELIMINARY INJUNCTION
 STANDARDS.

10/24/85 RNB 9.20 414.00
 INTERVIEW DR. CLARKE HERMANC, PRO-
 FESSOR OF MECHANICAL ENGINEERING AT
 UVM, REGARDING HIS REVIEW OF DOCU-
 MENTS PERTAINING TO THE MIGRATION OF
 METHANE GAS FROM THE BURLINGTON
 LANDFILL; REVISE DR. HERMANC'S AFFI-
 DAVIT IN SUPPORT OF MOTION FOR PRE-
 LIMINARY INJUNCTION; PREPARATION FOR
 HEARING ON PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION; TELEPHONE
 CONFERENCE WITH DR. WILLIAM
 ROEBUCK, PROFESSOR OF TOXICOLOGY AT
 THE DARTMOUTH MEDICAL SCHOOL; TELE-
 PHONE CONFERENCE WITH DR. FRANK
 REED AT THE VERMONT LAW SCHOOL.

10/24/85 MJC 8.60 344.00
 PREPARATION FOR PRELIMINARY INJUNC-
 TION HEARING; DRAFT AND REVISE CASE
 AFFIDAVITS AND ADD ATTACHMENTS;
 DRAFT AND REVISE DAGUE AFFIDAVIT
 AND ADD ATTACHMENTS; ORGANIZE FILE;
 CONFERENCE WITH ATTORNEY PEARSON

REGARDING EVIDENCE; ARRANGE EXECU-
 TION OF AFFIDAVITS.

10/24/85 GLH 4.00 140.00
 REVIEW AND ORGANIZE REPORTS FROM
 LOCAL, STATE AND FEDERAL GOVERN-
 MENTS AND FROM GENERATORS; PREPARE
 SUPPORTING AFFIDAVITS WITH ATTACH-
 MENTS AND FILE MOTION AND DOCU-
 MENTS WITH THE U.S. DISTRICT COURT;
 CONFERENCE WITH MR. CHRIS FASTIE
 REGARDING HIS RESEARCH PROJECT AT
 THE BURLINGTON LANDFILL AND HIS
 AFFIDAVIT.

10/25/85 WWP 4.00 340.00
 PREPARE FOR HEARING ON MOTION FOR
 PRELIMINARY INJUNCTION.

10/25/85 RNB 7.60 342.00
 DRAFT AFFIDAVIT OF DR. FRANK REED;
 PREPARATION FOR HEARING ON PRELIMI-
 NARY INJUNCTION; TELEPHONE CONFER-
 ENCES WITH JULIE HACKBARDTH [sic] AND
 RUTH EINSTEIN REGARDING THEIR TESTI-
 MONY AT PRELIMINARY INJUNCTION
 HEARING; INTERVIEW DR. FRANK REED,
 PROFESSOR OF ECOLOGY AT THE ENVIRON-
 MENTAL LAW CENTER AT THE VERMONT
 LAW SCHOOL.

10/25/85 MJC 4.50 180.00
 MEETING WITH CLIENTS TO SIGN AFFI-
 DAVITS FOR PRELIMINARY INJUNCTION
 HEARING; INSPECT BESSETTE PROPERTY;
 TEST BASEMENT, YARD AND BANK HOLES
 FOR PRESENCE OF METHANE GAS.

10/25/85 GLH 1.00 35.00
 SET UP CAMERA EQUIPMENT; CONFERENCE
 WITH DR. FRANK REED.

10/26/85	WWP	2.00	170.00
PREPARE FOR PRELIMINARY INJUNCTION HEARING.			
10/26/85	RNB	2.20	99.00
FURTHER LEGAL RESEARCH ON NOTICE AND OTHER PROCEDURAL REQUIREMENTS FOR CITIZEN SUITS BROUGHT UNDER RCRA AND THE CLEAN WATER ACT.			
10/26/85	MJC	1.00	40.00
INSPECT BURLINGTON LANDFILL SITE FOR POINT SOURCES OF LEACHATE MIGRATION; OBSERVE WILDLIFE IN INTERVALE.			
10/27/85	WWP	12.00	1,020.00
PREPARATION FOR TOMORROW'S PRELIMINARY INJUNCTION HEARING.			
10/27/85	RNB	11.20	504.00
PREPARATION FOR PRELIMINARY INJUNCTION [SIC] HEARING; DRAFT JURISDICTIONAL BASES AND ARGUMENTS FOR EACH COUNT FOR TRIAL NOTEBOOK; TELEPHONE CONFERENCE WITH CHRIS FASTIE REGARDING HIS TESTIMONY AT HEARING.			
10/27/85	MJC	10.50	420.00
PREPARATION FOR PRELIMINARY INJUNCTION HEARING; REVIEW EVIDENCE AND EXPERT OPINIONS; DRAFT SUBPOENAS FOR CITY EMPLOYEES; STATUS MEMORANDUM REGARDING CONTAMINATION FOUND IN LEACHATE WELLS; ORGANIZE FILE FOR USE IN HEARING; COPY EXHIBITS TO BE ENTERED IN EVIDENCE; SERVICE OF SUBPOENA ON MOREAU; ATTEMPTS TO SERVE SUBPOENA ON GOODKIND.			

10/28/85	WWP	10.00	850.00
PREPARE FOR AND REPRESENT CLIENTS AT PRELIMINARY INJUNCTION HEARING IN FEDERAL COURT.			
10/28/85	RNB	7.40	333.00
PREPARATION FOR AND ASSIST AT HEARING ON PRELIMINARY INJUNCTION.			
10/28/85	MJC	7.50	300.00
PREPARATION FOR AND ATTENDANCE AT HEARING; SERVICE OF SUBPOENAS ON GOODKIND, OGDEN, EINSTEIN, AND HACKBARTH; CONFERENCE WITH EINSTEIN AND HACKBARTH REGARDING REGULATION OF LANDFILL.			
10/29/85	WWP	2.00	170.00
OUTLINE PEARSON AFFIDAVIT; TELEPHONE CONFERENCES WITH CLIENTS; PLAN DISCOVERY.			
10/29/85	RNB	1.20	54.00
LEGAL RESEARCH ON CLEAN WATER ACT CASES INVOLVING DISCHARGES OF POLLUTANTS INTO A NAVIGABLE WATERWAY FROM A POINT SOURCE WITHOUT A NPDES PERMIT AND ON RCRA CASES INVOLVING ADMINISTRATIVE ACTION TO ABATE SUBSTANTIAL AND IMMINENT HAZARDS; PLAN DISCOVERY			
10/30/85	WWP	2.00	170.00
OUTLINE INTERVIEW; TELEPHONE CONFERENCES WITH CLIENTS; TELEPHONE CONFERENCE WITH CITY ATTORNEY OFFICE; OUTLINE STRATEGY FOR HEARING ON NINTH.			

10/30/85 RNB 3.40 153.00

ANALYZE AFFIDAVIT OF COMPLIANCE WITH NOTIFICATION REQUIREMENTS AND RESPONSE TO MOTION TO DISMISS; JOINT MEMORANDUM ON TESTIMONY GIVEN AT 10-28 HEARING; BEGIN DRAFTING MEMORANDUM IN OPPOSITION TO MOTION TO DISMISS; REVIEW CASELAW ON NOTICE UNDER RCRA AND CWA; REVIEW FIRST PART OF PLAINTIFFS' INTERROGATORIES.

10/31/85 WWP 0.40 34.00

REVIEW INTERROGATORIES AND REQUESTS TO PRODUCE.

10/31/85 RNB 1.20 54.00

REVIEW AND REVISE INTERROGATORIES AND REQUESTS TO PRODUCE; REVISE MEMORANDUM IN OPPOSITION TO MOTION TO DISMISS; TELEPHONE CONFERENCE WITH LIBRARIAN AT VERMONT LAW SCHOOL REGARDING NOTE ON CITIZEN SUITS.

10/31/85 MJC 10.50 420.00

CONFERENCE WITH ATTORNEY PEARSON REGARDING FURTHER WORK IN PREPARATION FOR 12@10@85 COURT HEARING; ARRANGE FOR COPYING OF HEARING EXHIBITS; DRAFT ADDITIONAL [SIC] INTERROGATORIES AND REQUESTS TO PRODUCE; DRAFT MEMORANDUM REGARDING TESTIMONY HEARD ON 10@28@85 HEARING; REVISE INTERROGATORIES AND REQUESTS TO PRODUCE TO CITY; REVISE MEMORANDUM REGARDING WITNESS TESTIMONY AT 10@28@85 HEARING; ORGANIZE FILE FOR FUTURE USE.

11/01/85 WWP 2.40 204.00

REVIEW INTERROGATORIES AND REQUESTS TO PRODUCE; PLAN FURTHER INVESTIGATION AND DISCOVERY.

11/01/85 RNB 1.30 58.50

PLAN DEPOSITIONS OF DEFENDANT'S WITNESSES AND GENERATORS OF HAZARDOUS WASTES; REVIEW AND ANALYZE DOCUMENTS PERTAINING TO GENERATORS WHICH DISPOSED OF HAZARDOUS WASTES IN THE BURLINGTON LANDFILL.

11/01/85 MJC 0.80 32.00

REVIEW PHOTOS FOR USE AT CONTINUED PRELIMINARY INJUNCTION HEARING AND/OR TRIAL.

11/04/85 WWP 1.50 127.50

EDIT SUBPOENAS AND NOTICES OF DEPOSITION; TELEPHONE CONFERENCE WITH CLIENT; TELEPHONE CONFERENCE WITH CITY ATTORNEY OFFICE; REVIEW AND ANALYZE ANSWERS TO INTERROGATORIES AND REQUESTS TO PRODUCE.

11/04/85 RNB 1.00 45.00

CONFERENCE WITH ATTORNEY PEARSON REGARDING SCHEDULING OF DEPOSITIONS; LEGAL RESEARCH ON "REASONABLE NOTICE" REQUIREMENT OF RULE 30(B)(1) OF THE F.R.CIV.P.; REVIEW SUBPOENAS.

11/04/85 MJC 3.00 120.00

PREPARE SUBPOENAS, NOTICES OF DEPOSITIONS, AND CERTIFICATE OF SERVICE FOR DEPOSITIONS OF HAZARDOUS WASTE GENERATORS@ DISPOSERS; REVISE WITNESS AFFIDAVITS; REVISE TELEPHONE CONTACT LIST FOR FILE; TELEPHONE CONFERENCE

WITH ATTORNEY SHEAHAN REGARDING
MALFUNCTION OF DAGUE GAS METER.

11/05/85 WWP 2.80 238.00
REVISE MOTION TO DISMISS; EDIT PLAINTIFFS' INTERROGATORIES AND REQUESTS TO PRODUCE; FURTHER REVIEW OF CITY'S RESPONSES TO DISCOVERY REQUESTS.

11/05/85 RNB 1.20 54.00
PLAN DISCOVERY; REVIEW WITNESS AFFIDAVITS, SUBPOENAS AND NOTICES OF DEPOSITIONS; REVIEW SUPPLEMENTAL NOTICE LETTER; REVIEW ATTORNEY PEARSON'S AFFIDAVIT; FURTHER ANALYSIS OF PLAINTIFFS' INTERROGATORIES AND REQUESTS TO PRODUCE AN MEMORANDUM IN OPPOSITION TO MOTION TO DISMISS; ANALYZE BOARD OF ALDERMEN APPROPRIATION ON 11-4; REVIEW AND ANALYZE ANSWER.

11/05/85 MJC 8.30 332.00
REVIEW AND REVISE DEPOSITION SUBPOENAS TO HAZARDOUS WASTE GENERATORS; REVIEW AND REVISE NOTICES OF DEPOSITIONS; DRAFT ENCLOSURE LETTERS; ARRANGE FOR COPYING OF ATTACHMENTS TO DOCUMENTS TO BE FILED WITH COURT; ARRANGE FOR SERVICE OF SUBPOENAS; SERVE SUBPOENAS ON THREE GENERATORS; CONFERENCE WITH EACH GENERATOR REGARDING DEPOSITIONS TO BE TAKEN.

11/05/85 GLH 2.00 70.00
SERVE SUBPOENAS ON THE WHITING CO. AND HAGAR HARDWARE CO.

11/06/85 WWP 2.80 238.00
PLAN FURTHER INVESTIGATION AND DISCOVERY; REVIEW PLEADINGS; LETTER TO MESSRS. THOMAS, SANDERS AND WILSON.

11/06/85 RNB 13.30 598.50
DRAFT AND REVISE PLAINTIFFS' INTERROGATORIES AND REQUESTS TO PRODUCE; TELEPHONE CONFERENCE WITH MR. DILL OF E.B. & A.C. WHITING COMPANY REGARDING RESCHEDULING OF HIS DEPOSITION.

11/06/85 MJC 6.50 260.00
WORK ON INTERROGATORIES AND REQUESTS TO PRODUCE TO CITY BASED ON PLEADINGS AND EXTENSIVE REVIEW OF FACT RESEARCH IN FILE.

11/07/85 WWP 2.00 170.00
RESEARCH EPA ENFORCEMENT POLICY AND JOINT AND SEVERAL LIABILITY UNDER RCRA; OFFICE CONFERENCE ON INTERROGATORIES, DEPOSITIONS AND MOTIONS.

11/07/85 RNB 3.40 153.00
REVIEW NOTE ON CITIZEN SUITS; DRAFT ADDITIONAL REQUESTS TO PRODUCE; TELEPHONE CONFERENCE WITH ATTORNEY MIKE SHINE REGARDING SCHEDULING MR. DILL'S DEPOSITION; LEGAL RESEARCH ON EVASIVE RESPONSES TO COMPLAINT; TELEPHONE CONFERENCE WITH ATTORNEY BOB HEMLEY REGARDING RESCHEDULING DEPOSITION OF G.E. EMPLOYEE.

11/07/85 MJC 6.40 256.00
 ORGANIZE FILE; REVISE INTERROGATORIES
 AND REQUESTS TO PRODUCE; FILE DISCOV-
 ERY DOCUMENTS WITH COURT AND OPPO-
 SITE COUNSEL; TELEPHONE CONFERENCE
 WITH ATTORNEYS PEARSON AND BLAND
 REGARDING SERVICE OF DEPOSITION SUB-
 POENAS; REVISE TELEPHONE LIST TO
 INCLUDE GENERATORS' ATTORNEYS.

11/08/85 WWP 2.00 170.00
 CONTINUE LEGAL RESEARCH ON
 ENFORCEMENT POLICY; TELEPHONE CON-
 FERENCE WITH MR. HEMLEY; TELEPHONE
 CONFERENCE WITH MR. SHIEN'S OFFICE.

11/08/85 RBL 0.50 30.00
 TELEPHONE CONFERENCE WITH MR.
 DAGUE REGARDING CITY EMPLOYEE'S
 VISIT AT HIS HOME TODAY WITHOUT
 ADVANCE NOTICE TO US OR TO MR. -
 DAGUE.

11/08/85 MJC 6.10 244.00
 DRAFT RESPONSES TO REQUESTS TO PRO-
 DUCE; EXTENSIVE REVIEW OF FILE FOR
 RESPONSIVE DOCUMENTS.

11/11/85 WWP 3.20 272.00
 TELEPHONE CONFERENCE WITH MR.
 HEMLEY; PLAN DEPOSITIONS; TELEPHONE
 CONFERENCE WITH MR. PERRY'S OFFICE;
 ORGANIZE DEPOSITION EXHIBITS; TELE-
 PHONE CONFERENCE WITH MR. SCHIEN;
 TELEPHONE CONFERENCE WITH MR. HILL;
 REVIEW GENERATOR RECORDS.

11/12/85 WWP 3.50 297.50
 REVIEW AND EDIT ANSWERS TO INTER-
 ROGATORIES; TELEPHONE CONFERENCE
 WITH OPPOSING ATTORNEYS REGARDING

DEPOSITIONS; TELEPHONE CONFERENCE
 WITH CLIENT; TELEPHONE CONFERENCE
 WITH DEFENDANT; TELEPHONE CONFER-
 ENCE WITH MR. HEMLEY.

11/12/85 RNB 0.80 36.00
 REVIEW PLAINTIFFS' RESPONSES TO INTER-
 ROGATORIES AND REQUESTS TO PRODUCE;
 TELEPHONE CONFERENCE WITH RUTH
 EINSTEIN REGARDING THE FACTS AND
 OPINIONS TO WHICH SHE IS EXPECTED TO
 TESTIFY AT HEARING ON 12-9-85; TELE-
 PHONE CONFERENCE WITH THOMAS MAR-
 TIN OF EPA, REGION V, REGARDING
 EXPERTS.

11/13/85 WWP 5.50 467.50
 PREPARE FOR AND TAKE DEPOSITIONS OF
 GOODKIND AND MOREAU; TELEPHONE
 CONFERENCES WITH CITY ATTORNEY;
 TELEPHONE CONFERENCES WITH CLIENT.

11/13/85 RNB 3.80 171.00
 TELEPHONE CONFERENCE WITH DONALD
 BESSETTE REGARDING EXECUTION OF
 PLAINTIFFS' RESPONSES TO INTERROGATO-
 RIES AND REQUESTS TO PRODUCE; ATTEND
 DEPOSITIONS OF THOMAS MOREAU AND
 STEVEN GOODKIND.

11/13/85 MJC 6.50 260.00
 REVIEW AND REVISE RESPONSES TO INTER-
 ROGATORIES AND REQUESTS TO PRODUCE;
 ARRANGE FOR COPYING OF ATTACHMENTS
 TO SAME; DELIVERY TO CLIENTS FOR SIG-
 NATURES; CONFERENCE WITH CLIENTS
 REGARDING RESPONSES TO DISCOVERY
 REQUESTS.

11/14/85	WWP	4.50	382.50
PREPARE FOR AND DEPOSE JAMES ROBEAR OF BLODGETT CO.; TELEPHONE CONFERENCE WITH MR. HAGAR; PREPARATION FOR TOMORROW'S DEPOSITIONS; CONFERENCE WITH MR. CLAPP.			
11/14/85	RNB	2.60	117.00
REVIEW STATUS OF CASE; PREPARATION FOR AND ATTEND DEPOSITION OF JAMES ROBEAR OF THE G.S. BLODGETT COMPANY, INC.			
11/14/85	MJC	3.60	144.00
ORGANIZE FILE; DELIVERY OF RESPONSES TO INTERROGATORIES AND REQUESTS TO PRODUCE TO MR. BESSETTE FOR SIGNATURE; ASSIST IN PREPARATION FOR AND ATTEND DEPOSITION OF BLODGETT REPRESENTATIVE.			
11/15/85	WWP	3.50	297.50
DEPOSE REPRESENTATIVE OF EDLUND CORP; CONFERENCE WITH MR. HAGAR; DEPOSITION OF REPRESENTATIVE OF WHITING CO; REVIEW HEMLEY LETTER; PREPARATION FOR DEPOSITIONS.			
11/15/85	RNB	6.10	274.50
PREPARATION FOR DEPOSITIONS OF GENERATORS HAGAR HARDEWARE [SIC] AND PAINT, CO., THE EDLUND COMPANY, AND THE E.B. & A.C. WHITING CO.; ATTEND DEPOSITION OF LARRY BARTLETT OF THE EDLUND COMPANY; DEPOSE ROBERT DILL OF THE E.B. & A.C. WHITING CO.			
11/15/85	MJC	2.50	100.00
PREPARATION FOR AND ATTEND DEPOSITIONS OF HAZARDOUS WASTE GENERATORS; TELEPHONE CONFERENCE WITH			

ERNIE DAGUE, JR. REGARDING TRASH IN YARD, ARRANGEMENTS FOR INSTALLATION OF METER AND TESTING FOR GAS IN HOUSE; ORGANIZE DEPOSITION EXHIBITS.			
11/18/85	WWP	1.00	85.00
PREPARATION FOR DEPOSITIONS OF G.E., DR. REED AND MR. PERRY; ARRANGE DISCOVERY SEQUENCE.			
11/18/85	RNB	0.60	27.00
TELEPHONE CONFERENCE WITH DR. FRANK REED OF THE ENVIRONMENTAL LAW CENTER, VERMONT LAW SCHOOL, REGARDING SCHEDULING OF HIS DEPOSITION, TESTIMONY LIKELY TO BE ELICITED AT HIS DEPOSITION, AND INFORMATION NEEDED TO PREPARE FOR HIS DEPOSITION; TELEPHONE CONFERENCE WITH LEONARD PERRY, STATE OF VERMONT HORTICULTURALIST, REGARDING FACTS OF CASE AND HIS EXPERTISE AND HIS AVAILABILITY TO BE A WITNESS.			
11/18/85	MJC	1.00	40.00
FURTHER INVESTIGATION REGARDING EDLUND CO. WASTE DISPOSAL; TELEPHONE CONFERENCE WITH JOHN GILLIGAN, FORMERLY OF EDLUND, REGARDING SAME; MEMORANDUM TO FILE REGARDING INTERVIEW WITH GILLIGAN.			
11/19/85	WWP	0.30	25.50
REVIEW DEPOSITION SCHEDULE.			
11/19/85	MJC	0.30	12.00
REVIEW INFORMATION TO BE SENT TO EXPERTS.			

11/20/85	MJC	0.30	12.00
ANALYZE NEED FOR SITE VISIT BY LEONARD PERRY.			
11/21/85	MJC	3.50	140.00
CIRCULATE COPIES OF DEPOSITION EXHIBITS TO OPPOSITE COUNSEL AND COUNSEL FOR DEONENTS; LETTERS AND COPYING BILLS TO SAME; ORGANIZE FILE; TELEPHONE CONFERENCE WITH LEONARD PERRY REGARDING SITE INSPECTION; SEND EXPERT INFORMATION TO DR. REED.			
11/22/85	WWP	1.00	85.00
REVIEW DEPOSITION SCHEDULE; PREPARATION FOR CONFERENCES WITH PROF. PERRY AND PROF. REED; TELEPHONE CONFERENCE WITH CLIENT.			
11/25/85	WWP	2.80	238.00
PREPARE FOR TOMORROW'S DEPOSITION; TWO TELEPHONE CONFERENCES WITH MR. HEMLEY; THREE TELEPHONE CONFERENCES WITH COURT; OFFICE CONFERENCE ON PROTECTIVE ORDER.			
11/25/85	RNB	1.00	45.00
TELEPHONE CONFERENCE WITH ATTORNEY BOB HEMLEY, COUNSEL FOR GENERAL ELECTRIC, REGARDING PROTECTIVE ORDER TO PREVENT DISCLOSURE OF TESTIMONY AND CONTENTS OF DOCUMENTS TO ANYONE OTHER THAN COUNSEL PRESENT AT DEPOSITION; CONFERENCE WITH DR. LEONARD PERRY REGARDING HIS INVESTIGATION OF LANDFILL SITE AND HIS CONCLUSIONS ON THE EFFECTS OF METHANE GAS ON TREES, SHRUBS AND VEGETATION; STATUS REVIEW OF CASE AND PLAN FURTHER INVESTIGATION AND DISCOVERY.			

11/25/85	MJC	2.50	100.00
DISCUSS INTERROGATORIES WITH LEO PERRY, HORTICULTURAL EXPERT; VISIT LANDFILL; REVIEW DOCUMENTS WITH PERRY; ANALYZE PERRY'S OPINIONS.			
11/26/85	WWP	8.00	680.00
REVIEW DOCUMENTS AND PROTECTIVE ORDER; PREPARATION FOR AND TAKE DEPOSITION OF G.E. REPRESENTATIVE; TWO TELEPHONE CONFERENCES WITH DR. REED.			
11/26/85	RNB	6.70	301.50
PREPARATION FOR AND ATTEND DEPOSITION OF DONALD STEWART OF G.E.; TELEPHONE CONFERENCE WITH DR. FRANK REED OF VERMONT LAW SCHOOL REGARDING HIS DEPOSITION.			
11/26/85	MJC	2.60	104.00
PREPARATION FOR DEPOSITION OF G.E. REPRESENTATIVE; ATTEND DEPOSITION WITH NOTES TO FILE; PREPARE DEPOSITION EXHIBITS.			
11/27/85	WWP	3.50	297.50
PREPARE FOR AND ATTEND DEPOSITION OF PROF. REED; READ AND ANALYZE CITY'S ANSWERS TO INTERROGATORIES; PLAN RESPONSE AND OVERALL STRATEGY.			
11/27/85	RNB	6.30	283.50
PREPARATION FOR AND ATTEND DEPOSITION OF DR. FRANK REED; REVIEW AND ANALYZE DEFENDANT'S RESPONSES TO PLAINTIFFS' INTERROGATORIES; PREPARATION FOR PRELIMINARY INJUNCTION HEARING.			

11/27/85	MJC	1.20	48.00
PREPARATION FOR DEPOSITION OF DR. FRANK REED; PROVIDE DOCUMENTS TO DR. REED.			
12/01/85	MJC	0.50	20.00
PREPARATION FOR 12-9-85 HEARING.			
12/02/85	WWP	9.20	782.00
ANALYZE METHANE GAS PROBLEM; CONFERENCE WITH CLIENTS; TELEPHONE CONFERENCE WITH MS. SHEHAN; PREPARE FOR HEARING AND DEPOSITIONS; REVIEW MOREAU BOOKS; DEPOSITION OF MR. MOREAU; TELEPHONE CONFERENCE WITH CLIENT; TELEPHONE CONFERENCE WITH MR. MCNEIL; READ MOTION TO JOIN AND THIRD PARTY COMPLAINT.			
12/02/85	RNB	8.50	382.50
PREPARATION FOR PRELIMINARY INJUNCTION HEARING; CONFERENCE WITH ERNIE AND BETTY DAGUE REGARDING GAS METER READINGS AND STATUS OF CASE; COMPILATION OF STATUTORY, REGULATORY AND LEGISLATIVE HISTORY MATERIALS ON OPEN DUMPING PROHIBITION OF RCRA; ORGANIZE GE DEPOSITION EXHIBITS; COMPILE NOTES OF DEPOSITION TESTIMONY; COMPILE AND ORGANIZE CASELAW.			
12/02/85	MJC	6.20	248.00
PREPARATION FOR 12-9-85 HEARING; TRIP TO DAGUES TO OVERSEE GAS TESTING; TRIP TO BURLINGTON WATER DEPARTMENT FOR MOREAU LANDFILL RECORDS; PLAN FURTHER INVESTIGATION.			

12/03/85	WWP	6.00	510.00
PREPARE FOR GOODKIND DEPOSITION; TAKE SAME; REVIEW GOODKIND DOCUMENTS.			
12/03/85	RNB	9.20	414.00
PREPARATION FOR HEARING; DRAFT LIST OF HAZARDOUS WASTES DISPOSED OF IN BURLINGTON LANDFILL ACCORDING TO DEPOSITION EXHIBITS AND TESTIMONY; PREPARATION FOR AND ATTEND GOODKIND DEPOSITION; BEGIN DRAFTING PROPOSED FINDINGS OF FACT.			
12/03/85	MJC	6.80	272.00
ORGANIZE WORK TO BE DONE; ATTEND GOODKIND DEPOSITION; TELEPHONE CONFERENCE WITH COURT REPORTERS; REVIEW FACTUAL BASIS OF LEGAL CLAIMS.			
12/04/85	WWP	1.50	127.50
TELEPHONE CONFERENCES WITH DR. REED; ORGANIZE REED DOCUMENTS; REVIEW REED AFFIDAVIT; TELEPHONE CONFERENCE WITH CLIENT.			
12/04/85	RNB	9.40	423.00
FINISH DRAFTING PROPOSED FINDINGS OF FACT (WITH SUPPORTING DOCUMENTS); DRAFT PROPOSED CONCLUSIONS OF LAW; REVIEW AND ANALYZE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.			
12/04/85	MJC	0.40	16.00
TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING GAS READINGS IN HOUSE; MEMORANDUM TO ATTORNEY PEARSON REGARDING SAME.			

12/05/85	WWP	7.50	637.50
REVIEW SCOPE OF REED DEPOSITION WITH DR. REED; PREPARE MOTION AND MEMORANDUM FOR SANCTIONS; PREPARE FOR MONDAY'S HEARING.			
12/05/85	RNB	9.30	418.50
CONFERENCE WITH DR. FRANK REED IN PREPARATION FOR HIS DEPOSITION; ATTEND SAME; PREPARATION FOR HEARING.			
12/05/85	MJC	4.50	180.00
ASSIST PREPARATION FOR DR. REED DEPOSITION; CONFERENCE WITH DR. REED REGARDING SAME.			
12/06/85	WWP	8.00	680.00
REVIEW SIGNED INTERROGATORIES, MOTION FOR SANCTIONS; PREPARE FOR MONDAY'S HEARING; TELEPHONE CONFERENCES WITH ATTORNEY CLAPP; TELEPHONE CONFERENCE WITH DR. REED; OFFICE CONFERENCE WITH COURT REPORTER; OUTLINE FINDINGS OF FACT; REVIEW OGDEN DOCUMENTS.			
12/06/85	RNB	8.30	373.50
EXTENSIVE PREPARATION FOR HEARING ON PRELIMINARY INJUNCTION.			
12/06/85	MJC	3.00	120.00
REVIEW GOODKIND FILES; COPY NEW DOCUMENTS TO BE USED AT HEARING; CONFERENCE WITH ATTORNEY PEARSON REGARDING WORK TO BE DONE.			
12-07-85	RNB	5.30	238.50
REVISE PROPOSED FINDINGS OF FACT; THOROUGH REVIEW OF DEPOSITION TRANSCRIPTS AND EXHIBITS.			

12-08-85	WWP	13.00	1,105.00
PREPARATION FOR PRELIMINARY INJUNCTION HEARING			
12-08-85	RNB	11.20	504.00
PREPARATION FOR HEARING ON PRELIMINARY INJUNCTION; DRAFT CHRONOLOGY AND REVISE PARTIAL PROPOSED FINDINGS OF FACT AND COMPILE DOCUMENTS THEREFOR; REVIEW ITEMS TO BE OFFERED INTO EVIDENCE AT THE HEARING.			
12-08-85	MJC	13.00	520.00
PREPARATION FOR PRELIMINARY INJUNCTION HEARING; COPY EXHIBITS FOR PROPOSED FINDINGS OF FACT; ASSEMBLE PACKAGE OF DOCUMENTS FOR FILING WITH COURT; REVIEW AND ORGANIZE FILE.			
12-09-85	WWP	11.70	994.50
PREPARE FOR AND ATTEND HEARING; PREPARE FOR AND TAKE COUNTRYMAN'S DEPOSITION.			
12-09-85	RNB	11.70	526.50
PREPARATION FOR HEARING; ATTEND AND ASSIST AT SAME; PREPARATION FOR DEPOSITION OF WILLIAM COUNTRYMAN; ATTEND AND ASSIST AT SAME.			
12-09-85	MJC	10.60	424.00
PREPARATION FOR AND ATTEND PRELIMINARY INJUNCTION HEARING; NOTETAKING; ANALYZE WITNESS TESTIMONY.			
12-09-85	GLH	1.20	42.00
ASSIST IN TRANSPORTING AND DELIVERING FILES TO FEDERAL COURT FOR HEARING.			

12-10-85	WWP	10.00	850.00
PREPARATION FOR AND TAKE DEPOSITION OF MR. HEINDEL.			
12-10-85	RNB	8.40	378.00
TELEPHONE CONFERENCE WITH DON BESSETTE REGARDING STATUS OF CASE AND HIS ATTENDANCE AT HEARING FOR PRELIMINARY INJUNCTION; DRAFT ADDITIONAL PROPOSED FINDINGS OF FACT; OUTLINE DEPOSITION OF WILLIAM COUNTRYMAN AND TOPICS FOR CROSS EXAMINATION; PREPARATION FOR HEARING; ATTEND AND ASSIST AT HEARING.			
12-10-85	MJC	9.30	372.00
PREPARATION FOR AND ATTEND PRELIMINARY INJUNCTION HEARING; CONFERENCE WITH DR. FRANK REED AND ERNIE DAGUE, JR. REGARDING WITNESS TESTIMONY; DRAFT STIPULATED DAGUE GAS TEST RESULTS; EDIT PROPOSED FINDINGS OF FACT; LIST NEW GOODKIND@MOREAU EXHIBITS; OUTLINE AREAS OF EXAMINATION; LIST CHEMICALS FOUND IN WATER; LIST ATTACHMENTS TO FINDINGS; REVIEW GOODKIND@OGDEN FILES AND COPY DOCUMENTS FROM SAME.			
12-11-85	WWP	9.50	807.50
PREPARATION FOR AND ATTEND PRELIMINARY INJUNCTION HEARING; PREPARE FOR TOMORROW'S HEARING.			
12-11-85	RBL	0.50	30.00
LEGAL RESEARCH REGARDING AUTHORITY OF MAGISTRATE.			
12-11-85	RNB	5.20	234.00
REVIEW GOODKIND DEPOSITION EXHIBITS CONCERNING MIGRATION OF METHANE			

FROM THE LANDFILL FOR USE AT THE HEARING; ATTEND SAME.

12-11-85	MJC	6.50	260.00
PREPARATION FOR PRELIMINARY INJUNCTION HEARING; ATTEND SAME AND TAKE NOTES.			
12-12-85	WWP	9.00	765.00
PREPARATION FOR AND ATTEND HEARING; PREPARE FOR TOMORROW'S HEARING.			
12-12-85	RNB	7.40	333.00
DRAFT PRELIMINARY STATEMENT AND FIRST ARGUMENT OF DISCUSSION IN SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION; PREPARE FOR CROSS-EXAMINATION AND RE-DIRECT EXAMINATION OF DR. FRANK REED.			
12-12-85	MJC	6.50	260.00
ATTENDANCE AND NOTETAKING AT PRELIMINARY INJUNCTION HEARING.			
12-12-85	GLH	1.00	35.00
LEGAL RESEARCH REGARDING PROCEDURE FOR NOTICING DEPOSITIONS OF OUT-OF-STATE WITNESSES.			
12-13-85	WWP	9.00	765.00
PREPARATION FOR AND ATTEND HEARING.			
12-13-85	RNB	7.50	337.50
DRAFT PART OF SECOND ARGUMENT OF DISCUSSION IN SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION; CONFERENCE WITH ATTORNEY PEARSON REGARDING TESTIMONY GIVEN AT HEARING.			

12-13-85	MJC	6.50	260.00
ATTEND AND NOTETAKING AT PRELIMINARY INJUNCTION HEARING.			
12-13-85	GLH	6.00	210.00
ASSIST IN TRANSPORTING FILES TO U.S. DISTRICT COURT FOR HEARING; TELEPHONE CONFERENCES WITH MR. DOWDELL, MR. CHAPPLE, MR. RATHE AND CONTACT VICON REGARDING CURRENT INTEREST IN ACCEPTING WASTE MATERIALS FROM THE CITY OF BURLINGTON, THE TIME NECESSARY TO ESTABLISH AND PUT INTO OPERATION A SYSTEM TO HANDLE THE WASTE MATERIALS AND THE WASTE MANAGEMENT PRACTICES OF THE BURLINGTON LANDFILL.			
12-14-85	RNB	3.70	166.50
CONTINUE DRAFTING SECOND ARGUMENT OF DISCUSSION IN SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION.			
12-15-85	WWP	11.00	935.00
PREPARATION FOR TOMORROW'S HEARING; EDIT PROPOSED FINDINGS AND MEMORANDUM; PREPARATION FOR EXAMINATIONS OF COUNTRYMAN AND STATE OFFICIAL; TELEPHONE CONFERENCE WITH MR. LASH.			
12-15-85	RNB	13.20	594.00
REVISE SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION.			
12-16-85	WWP	9.00	765.00
PREPARATION FOR AND ATTEND HEARING.			

12-16-85	RNB	8.50	382.50
FINISH DRAFTING SECOND ARGUMENT AND DRAFT FOURTH ARGUMENT OF DISCUSSION IN SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION; TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING SAMPLES TAKEN OF LEACHATE TO DETERMINE NEED FOR PRE-TREATMENT AND EVALUATION BEING CONDUCTED ON ENVIRONMENTAL IMPACT OF LEACHATE COLLECTION SYSTEM ON WETLAND BY STATE WATER RESOURCES DEPARTMENT; PREPARATION FOR HEARING AND EXAMINATIONS OF STATE OFFICIAL AND COUNTRYMAN.			
12-16-85	MJC	8.00	320.00
ATTEND AND NOTETAKING AT PRELIMINARY INJUNCTION HEARING.			
12-17-85	WWP	5.60	476.00
ORGANIZE FILES FROM HEARING; OUTLINE MEMORANDUM, ADDITIONAL PROPOSED FINDINGS AND CONCERNS; TELEPHONE CONFERENCES WITH COURT; TELEPHONE CONFERENCE WITH MR. CLAPP.			
12-17-85	RNB	6.10	274.50
LEGAL RESEARCH ON "SUBSTANTIAL AND IMMINENT" ENDANGERMENT STANDARD OF SECTION 6973 OF RCRA; DRAFT FIRST PART OF ARGUMENT [sic] III IN DISCUSSION SECTION OF SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION.			
12-17-85	MJC	2.00	80.00
SITE INSPECTION OF BURLINGTON LANDFILL; REPORT TO ATTORNEY PEARSON			

REGARDING SAME; TELEPHONE CONFERENCE WITH CARL PAGEL REGARDING PRE-TREATMENT OF LEACHATE; ORGANIZE WORK TO BE DONE; PLAN FURTHER INVESTIGATION.

12-18-85 WWP 7.50 637.50
EDIT FURTHER DRAFTS OF MEMORANDUM.

12-18-85 MJC 5.60 224.00
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING COPY OF STATE LAWSUIT AGAINST CITY; REVIEW NEWS REPORTS REGARDING PRELIMINARY INJUNCTION HEARING; TELEPHONE CONFERENCE WITH FEDERAL COURT REGARDING TRANSCRIPT OF GOODKIND TESTIMONY FROM HEARING; REVIEW GOODKIND NOTES IN HIS FILE, LIST EXHIBITS TO HEARING AND DEPOSITIONS; TELEPHONE CONFERENCE WITH ATTORNEYS FOR HAZARDOUS WASTE GENERATORS REGARDING SIGNING OF DEPOSITION TRANSCRIPTS; TRIP TO FEDERAL COURT TO PICK UP TAPE OF GOODKIND TESTIMONY.

12-19-85 WWP 8.00 680.00
FINISH REVISING FIRST SECTION OF MEMORANDUM, PROPOSED FINDINGS AND CONCLUSIONS.

12-19-85 RNB 10.60 477.00
REVISE SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION; REVISE PROPOSED FINDINGS OF FACT.

12-19-85 MJC 7.10 284.00
ORGANIZE FILE; COPY EXHIBITS FOR FILING WITH COURT; INDEX EXHIBITS; PREPARATION FOR FILINGS OF PROPOSED FINDINGS AND CONCLUSIONS OF LAW.

12-19-85 GLH 1.30 45.50
OBTAIN MR. DILL'S SIGNATURE TO DEPOSITION; PICK UP CASSETTE TAPE WITH TESTIMONY AT U.S. DISTRICT COURT.

12-20-85 WWP 3.80 323.00
TOUR LANDFILL; FILE SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION.

12-20-85 RNB 8.40 378.00
DRAFT THIRD ARGUMENT OF DISCUSSION IN SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PRELIMINARY INJUNCTION; REVIEW SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION; DRAFT PROPOSED CONCLUSIONS OF LAW.

12-20-85 MJC 7.10 284.00
LANDFILL INSPECTION WITH ATTORNEY PEARSON, OPPOSING COUNSEL AND MAGISTRATE; PREPARATION FOR FILING PROPOSED FINDINGS AND CONCLUSIONS; ARRANGE FOR COPYING; ORGANIZE DOCUMENTS FOR FILING.

12-27-85 WWP 6.50 552.50
TELEPHONE CONFERENCES WITH MR. CLAPP; TELEPHONE CONFERENCE WITH MR. FRANCO; PICK UP CITY'S COUNTERCLAIM; READ SAME; REVIEW CITY'S MEMORANDUM IN OPPOSITION TO PLAINTIFF'S SUPPLEMENTAL MEMORANDUM; REVIEW

CASES CITED BY CITY; REVIEW GOODKIND
AND OGDEN DOCUMENTS.

12-30-85	WWP	5.20	442.00
RESEARCH PART 257 OF RCRA REGULATIONS AS APPLICABLE [sic] TO CITY'S REPLY MEMORANDUM; DETAILED REVIEW AND ANALYSIS OF CITY'S MEMORANDUM.			
12-31-85	WWP	2.80	238.00
TELEPHONE CONFERENCE WITH MR. OGDEN; TELEPHONE CONFERENCE WITH MR. GOODKIND; DELIVERY OF BOXES TO MR. CLAPP'S OFFICE; TELEPHONE CONFERENCE WITH MR. CLAPP'S OFFICE; TELEPHONE CONFERENCE WITH COURT.			
01-02-86	WWP	4.80	408.00
OUTLINE REPLY BRIEF; UPDATE FILE SYSTEM; TELEPHONE CONFERENCE WITH COURT; TELEPHONE CONFERENCE WITH MR. CLAPP'S OFFICE; TELEPHONE CONFERENCE WITH MS. HACKBARTH; TELEPHONE CONFERENCE WITH MR. MALTER'S OFFICE.			
01-02-86	RNB	8.30	373.50
REVIEW STATUS OF CASE IN PREPARATION FOR DRAFTING REPLY MEMORANDUM; BEGIN DRAFTING FIRST ARGUMENT OF REPLY MEMORANDUM.			
01-02-86	MJC	5.80	232.00
ANALYZE ARGUMENTS OPPOSING DEFENDANT'S MEMORANDUM IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; ORGANIZE FILE.			
01-03-86	WWP	4.00	340.00
TELEPHONE CONFERENCE WITH MS. HACKBARTH; TELEPHONE CONFERENCE			

WITH MR. MALTER; TELEPHONE CONFERENCE WITH MS. WRIGHT; ANALYZE REPLY MEMORANDUM; RESEARCH CITY'S PRELIMINARY INJUNCTION AUTHORITY.

01-03-86	RNB	8.80	396.00
ANALYZE SECOND AND THIRD ARGUMENTS OF PLAINTIFFS' REPLY MEMORANDUM; DRAFT SECOND ARGUMENT AND BEGIN DRAFTING THIRD ARGUMENT OF PLAINTIFFS' REPLY MEMORANDUM.			
01-03-86	MJC	1.00	40.00
ANALYZE STATE ACTION IN REVIEWING NEED FOR PRE-TREATMENT OF LEACHATE AND OBTAIN STATE RESEARCH ON LEACHATE QUALITY; TELEPHONE CONFERENCE WITH BILL AHEARN AND MEREDITH WRIGHT REGARDING SAME; TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING TEST RESULTS AND HIS REQUEST FOR GAS TEST SCHEDULE.			
01-04-86	MJC	1.20	48.00
REVIEW FILE AND TABULATE ALL GAS WELL TEST RESULTS FROM OUTSIDE DAGUE PROPERTY; MEMORANDUM REGARDING SAME; REVIEW WATER TEST FILE FOR GROUNDWATER CONTAMINANTS IN EXCESS OF 40 CFR SECTION 257, APPENDIX I CHEMICALS.			
01-05-86	RNB	4.30	193.50
FINISH DRAFT OF THIRD ARGUMENT AND DRAFT FOURTH ARGUMENT OF PLAINTIFFS' REPLY MEMORANDUM.			
01-06-86	WWP	6.00	510.00
DRAFT AND EDIT REPLY MEMORANDUM; ANALYZE CITY'S OBJECTIONS TO PROPOSED FACTS; TELEPHONE CONFERENCE			

WITH MS. WRIGHT; TELEPHONE CONFERENCES WITH AEC; TELEPHONE CONFERENCE WITH COURT.

01-06-86 RNB 0.70 31.50

CONFERENCE WITH WILLIAM AHERN OF THE VERMONT AGENCY OF ENVIRONMENTAL CONSERVATION REGARDING HIS LETTER TO MR. CROMBIE AND TEST RESULTS ON LEACHATE.

01-06-86 MJC 4.80 192.00

SEND OUT BILLS FOR COPYING; ANALYZE PLAINTIFFS' RESPONSE TO DEFENDANT'S OBJECTIONS TO PROPOSED FACTS; REVIEW DEFENDANT'S REQUEST TO ADMIT; TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING TIME-DATE OF FINAL HEARING; REVIEW DEFENDANT'S OBJECTIONS TO PROPOSED FACTS; DRAFT MEMORANDUM REBUTTING OBJECTIONS.

01-07-86 WWP 7.00 595.00

DRAFT AND EDIT REPLY MEMORANDUM; RESEARCH; FILE MEMORANDUM.

01-07-86 RNB 2.30 103.50

LEGAL RESEARCH ON U.S. V. RIVERSIDE BAYVIEW HOMES, INC. AND WEINBERGER V. ROMERO-BARCELO; REVIEW THIRD-PARTY COMPLAINT; REVIEW DEFENDANT'S OBJECTIONS TO PLAINTIFFS' PROPOSED FINDINGS OF FACT, DEFENDANT'S REQUESTS TO ADMIT AND DEFENDANT'S PROPOSED CONCLUSIONS OF LAW; REVIEW AND ANALYZE PLAINTIFFS' REPLY MEMORANDUM.

01-07-86 MJC 3.20 128.00

REVIEW MOREAU AND GOODKIND DEPOSITIONS REGARDING GAS MIGRATION AND

SOURCE OF LEACHATE; REVIEW DRAFT MEMORANDUM IN OPPOSITION TO DEFENDANT'S OBJECTIONS TO PROPOSED FACTS; REVIEW WATER TEST RESULTS FOR APPENDIX I CHEMICALS; TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING LATEST GAS READINGS ON CLIENTS' PROPERTY; REVIEW TAPE OF 3-18-85 ALDERMEN'S MEETING FOR REFERENCES TO LANDFILL.

01-08-86 WWP 1.00 85.00
ANALYZE LEGAL RESEARCH AND GAS INVESTIGATION FOR FRIDAY'S HEARING.

01-08-86 MJC 1.70 68.00
CONFERENCE WITH ATTORNEY PEARSON REGARDING STATUS OF INVESTIGATION ON CURRENT EFFORTS BY CITY TO CONTROL LANDFILL GAS; DELIVER REPLY MEMORANDUM TO COURT AND ATTORNEY CLAPP; SITE VISIT TO CLIENTS' PROPERTY TO VIEW EFFECTS OF GAS CONTROL SYSTEM; ORGANIZE FILE.

01-09-86 WWP 3.00 255.00
PREPARATION FOR TOMORROW'S HEARING; REVIEW HEINDEL AND COUNTRYMAN DEPOSITION REPORTS.

01-09-86 MJC 4.30 172.00
TELEPHONE CONFERENCE WITH VT. GAS TO BORROW GAS METER; GET SAME FROM VGS; TEST GAS AT DAGUES AND BESSETTES; RETURN METER; REPORT TO ATTORNEY PEARSON REGARDING RESULTS OF GAS TESTS.

01-10-86 WWP 6.50 552.50
PREPARATION FOR AND ATTEND PRELIMINARY INJUNCTION HEARING.

01-10-86	RNB	8.00	360.00
DRAFT MEMORANDUM ON SYNOPSIS OF ARGUMENTS AND SUPPORTING CASELAW IN PREPARATION FOR HEARING FOR PRELIMINARY INJUNCTION; CONFERENCE WITH ATTORNEY PEARSON IN PREPARATION FOR HEARING; ATTEND HEARING.			
01-10-86	MJC	4.30	172.00
SEARCH FILE FOR INFORMATION ON LANDFILL POINT SOURCES FOR ALLEGATIONS OF CLEAN WATER ACT VIOLATION; SITE VISIT TO BURLINGTON LANDFILL WITH PHOTOS OF NEW GAS VENTING SYSTEM; CONFERENCE WITH ATTORNEY PEARSON REGARDING SAME; ATTEND FINAL HEARING ON MOTION FOR PRELIMINARY INJUNCTION.			
01-13-86	WWP	1.00	85.00
REORGANIZE MATERIALS FROM HEARING; REVIEW NEW HEARING EXHIBITS FILE.			
01-13-86	MJC	1.20	48.00
FACT RESEARCH AT CITY HALL REGARDING ALDERMANIC RESOLUTION TO FUND LANDFILL CLEANUP; DRAFT LETTER TO COURT AND ATTORNEY CLAPP REGARDING FILING OF ORIGINAL HEARING EXHIBITS FROM JANUARY 10 HEARING.			
01-20-86	MJC	0.60	24.00
DRAFT AND REVIEW OUTLINE OF FACTS PROPOSED AND NOT OBJECTED TO BY CITY.			
01-27-86	WWP	1.80	153.00
REVIEW PROPOSED FACT COMPARISONS; REVIEW MOTION TO COMPEL.			
01-31-86	WWP	0.50	42.50
REVIEW FINDINGS OF FACT; PLAN ADDITIONAL DISCOVERY.			

01-31-86	MJC	1.80	72.00
TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING TRESPASS ON HIS PROPERTY BY CITY.			
02-03-86	WWP	0.60	51.00
PLAN FURTHER DISCOVERY; TELEPHONE CONFERENCE WITH COURT.			
02-10-86	MJC	1.00	40.00
REVIEW STATUS OF CASE; ORGANIZE FILE.			
02-11-86	RNB	0.40	18.00
TELEPHONE CONFERENCE WITH PETER SHELLEY OF THE CONSERVATION LAW FOUNDATION IN BOSTON, MASSACHUSETTS TO DISCUSS THE STATUS OF THE CASE.			
02-21-86	WWP	1.00	85.00
TWO TELEPHONE CONFERENCES WITH ATTORNEY BLAND ABOUT MAGISTRATE'S DECISION.			
02-21-86	RNB	3.30	148.50
THOROUGH REVIEW AND ANALYSIS OF MAGISTRATE'S REPORT AND RECOMMENDATION; PREPARATION FOR FILING OBJECTIONS THERETO; RESPOND TO MEDIA INQUIRIES REGARDING PLAINTIFFS' REACTION TO MAGISTRATE'S REPORT AND RECOMMENDATION; TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. TO CONVEY AND DISCUSS MAGISTRATE'S DECISION; OUTLINE GROUNDS FOR FILING OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION.			
02-21-86	MJC	3.00	120.00
TELEPHONE CONFERENCE WITH COURT REGARDING DECISION BY MAGISTRATE;			

REVIEW DECISION; TELEPHONE CONFERENCE WITH CLIENT REGARDING SAME.

02-22-86	WWP	0.50	42.50
TELEPHONE CONFERENCE WITH ATTORNEY BLAND ABOUT OBJECTIONS TO MAGISTRATE'S DECISION.			
02-23-86	RNB	2.30	103.50
INITIAL DRAFT OF PLAINTIFFS' OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION.			
02-24-86	WWP	1.50	127.50
REVIEW DECISION AND ANALYZE FINDINGS OF FACT.			
02-24-86	RNB	0.60	27.00
CONFERENCE WITH ATTORNEY PEARSON TO DISCUSS MAGISTRATE'S REPORT AND RECOMMENDATION AND PLAINTIFFS' OBJECTIONS THERETO.			
02-24-86	MJC	2.00	80.00
PLAN FURTHER WORK TO BE DONE IN CASE AND DIVISION OF LABOR.			
02-25-86	WWP	1.50	127.50
ANALYZE FINDINGS OF FACT AND OUTLINE OBJECTIONS TO MAGISTRATE'S DECISION.			
02-26-86	WWP	1.00	85.00
FURTHER REVIEW FINDINGS OF FACT COMPARISON.			
02-27-86	WWP	1.50	127.50
DRAFT AND EDIT OUTLINE FOR OBJECTIONS TO MAGISTRATE'S DECISION.			

02-27-86	RNB	8.30	373.50
ANALYZE PLAINTIFFS' OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION; LEGAL RESEARCH ON RCRA'S PREEMPTION OF STATE REGULATION OF HAZARDOUS WASTE AND RETENTION OF STATE AUTHORITY; INITIAL DRAFT OF FIRST ARGUMENT REGARDING THE LANDFILL DISPOSAL OF HAZARDOUS WASTES IN VIOLATION OF RCRA'S HAZARDOUS WASTE PERMIT AND NOTIFICATION REQUIREMENTS.			
02-27-86	MJC	2.50	100.00
DRAFT INTERROGATORIES TO CITY.			
02-28-86	WWP	1.00	85.00
SEVERAL TELEPHONE CONFERENCES WITH MR. BLAND ABOUT OBJECTIONS TO MAGISTRATE'S DECISION.			
02-28-86	RNB	7.50	337.50
REVISE FIRST ARGUMENT IN PLAINTIFFS' OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION AND INITIAL DRAFT OF SECOND AND THIRD ARGUMENTS REGARDING THE LANDFILL ITSELF AS A POINT SOURCE AND THE MAGISTRATE'S ORDER AS INCOMMENSURATE WITH THE LANDFILL'S VIOLATIONS OF RCRA AND THE CWA; REVIEW PLAINTIFFS' SECOND SET OF INTERROGATORIES.			
02-28-86	MJC	2.00	80.00
REVIEW AND REVISE INTERROGATORIES TO CITY; DRAFT REQUESTS TO PRODUCE.			
03-01-86	WWP	4.50	382.50
ORGANIZE AND DRAFT OBJECTIONS TO MAGISTRATE'S RULING.			

03-02-86	WWP	8.00	680.00
EDIT, DRAFT, AND RESEARCH OBJECTIONS TO MAGISTRATE'S DECISION; OUTLINE CHRONOLOGY AND SPECIFIC OBJECTIONS.			
03-02-86	RNB	8.80	396.00
WORK ON INITIAL DRAFTS OF FOURTH AND FIFTH ARGUMENTS TO PLAINTIFFS' OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION REGARDING THE LANDFILL AS AN OPEN DUMP AND ENGAGING IN OPEN DUMPING PRACTICES IN VIOLATION OF RCRA'S PROHIBITION ON OPEN DUMPING AND THE SUBSTANTIAL AND IMMINENT ENDANGERMENT PRESENTED BY THE LANDFILL TO THE ENVIRONMENT; EDIT DRAFT OF PLAINTIFFS' OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION.			
03-03-86	WWP	3.50	297.50
ANALYZE OBJECTIONS, EDIT FINAL DRAFT OF OBJECTIONS TO MAGISTRATE'S DECISION; REVIEW AND ANALYZE CHRONOLOGY.			
03-03-86	GSC	0.50	30.00
ANALYZE PROPOSED ORDER; LOCATE MODEL CONSENT DECREE.			
03-03-86	RNB	11.90	535.50
DRAFT ADDITIONAL RECOMMENDATIONS [sic] TO BE INCLUDED IN THE PROPOSED COURT ORDER; EDIT PLAINTIFFS' OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION; EDIT PLAINTIFFS' OBJECTIONS [sic] TO MAGISTRATE'S FINDINGS OF FACT; ASSIST IN DRAFTING THE CHRONOLOGY OF OPERATIONS AND			

REGULATIONS PERTAINING TO THE LAND-FILL.

03-03-86	JHT	6.80	306.00
CONFERENCE WITH ATTORNEY BLAND REGARDING PREPARATION OF CHRONOLOGY BASED ON FINDINGS OF FACT OF MAGISTRATE; REVIEW FINDINGS AND DEVELOPMENT OF CHRONOLOGIC STRUCTURE; CREATE "TIME LINE" BASED ON THE FINDINGS OF FACT; DRAFT COMPUTER-ASSISTED GRAPHIC PRESENTATION; REVIEW AND ANALYSIS OF SAME.			
03-03-86	MJC	7.00	280.00
ASSIST IN DRAFTING AND REVISING OBJECTIONS TO MAGISTRATE'S RECOMMENDATIONS; ASSIST IN PREPARATION AND FILING OF LEGAL AND FACTUAL ARGUMENTS REGARDING SAME; ASSIST IN DRAFTING TIME LINE OF EVENTS FROM MAGISTRATE'S FINDINGS; REVIEW SUPPORTING FILE DOCUMENTS.			
03-04-86	WWP	2.50	212.50
READ AND ANALYZE CITY'S AND GE'S OBJECTIONS TO MAGISTRATE'S RULING; OBTAIN AND READ TEXAS CASE ON BINDING EFFECT OF MAGISTRATE'S OR JUDGE'S FINDINGS OF FACT AND CONCLUSIONS OF LAW; REVIEW OUTLINE OF PROPOSED ORDER.			
03-04-86	JHT	4.80	216.00
REVISE CHRONOLOGY BASED ON MAGISTRATE'S FINDINGS OF FACT; EXTENSIVE REVISIONS OF CHRONOLOGY TO DETAIL YEARS OF HAZARDOUS WASTES DUMPING BY GENERATORS; REVIEW FINAL VERSION OF CHRONOLOGY.			

03-04-86	MJC	5.00	200.00
FURTHER WORK ON DRAFTING OBJEC- TIONS TO MAGISTRATE'S DECISION; PROOF- READ CHRONOLOGY FOR FILING WITH COURT; REVIEW OBJECTIONS TO MAGIS- TRATE'S RECOMMENDATIONS FILED BY G.E. AND CITY; DRAFT MEMORANDUM ANALYZ- ING CITY'S OBJECTIONS.			
03-05-86	WWP	2.20	187.00
REVISE PROPOSED ORDER.			
03-05-86	RNB	5.80	261.00
THOROUGH REVIEW OF CITY'S AND THIRD- PARTY DEFENDANT GENERAL ELECTRIC COMPANY, INC.'S OBJECTIONS TO THE REPORT AND RECOMMENDATION OF THE MAGISTRATE; DRAFT PROPOSED ORDER FOR PRELIMINARY INJUNCTION.			
03-05-86	MJC	1.50	60.00
REVISE MEMORANDUM REGARDING CITY'S OBJECTIONS TO MAGISTRATE'S RECOM- MENDATIONS; RESEARCH OF GOODKIND'S TESTIMONY ON LANDFILL GAS GENERA- TION AND MIGRATION.			
03-07-86	MJC	1.00	40.00
ORGANIZE FILE; REVIEW LATEST PLEAD- INGS.			
03-09-86	WWP	0.40	34.00
READ HAGAR HARDWARE OBJECTIONS TO MAGISTRATE'S RULING.			
03-10-86	WWP	0.60	51.00
TELEPHONE CONFERENCE WITH MS. SHEEHAN; REVIEW INTERROGATORIES.			
03-10-86	MJC	3.00	120.00
PLAN FURTHER FACT INVESTIGATION AND PREPARATION FOR ARGUMENT OVER GAS			

TESTIMONY; REVIEW FILE FOR WATER TEST
RESULTS; TELEPHONE CONFERENCE WITH
MEREDITH WRIGHT REGARDING LEACH-
ATE COLLECTED; REVIEW NEW INTER-
ROGATORIES AND REQUESTS TO PRODUCE;
COMPARE TO PREVIOUSLY FILED SET FOR
COMPLETENESS.

03-11-86	WWP	0.30	25.50
REVIEW ATTORNEY MORGAN'S OBJECTIONS TO MAGISTRATE'S REPORT.			
03-11-86	MJC	0.50	20.00
TELEPHONE CONFERENCE WITH MER- EDITH WRIGHT REGARDING STATUS OF STATE REVIEW OF LEACHATE COLLECTION; REVIEW INTERROGATORIES AND REQUESTS TO PRODUCE TO BE FILED.			
03-12-86	MJC	1.20	48.00
REVISE INTERROGATORIES AND REQUESTS TO PRODUCE; ATTEMPTS TO CONTACT BRIAN QUAKER AT AEC.			
03-13-86	WWP	0.30	25.50
TELEPHONE CONFERENCE WITH CLIENTS.			
03-13-86	MJC	1.20	48.00
ORGANIZE FILE; TELEPHONE CONFERENCE WITH BRIAN QUAKER REGARDING STATUS OF LEACHATE PRE-TREATMENT REGULA- TION.			
03-17-86	MJC	0.20	8.00
TELEPHONE CONFERENCE WITH CLIENT REGARDING PHOTOGRAPHING OF CLI- ENTS' HOUSE.			
03-24-86	WWP	0.50	42.50
REVIEW MOTION TO AMEND; TELEPHONE CONFERENCE WITH COURT; REVIEW INTER- ROGATORIES.			

03-24-86	MJC	0.30	12.00
TELEPHONE CONFERENCE WITH CLIENT REGARDING EXCESSIVE TRASH IN YARD FROM LANDFILL; PLAN FURTHER WORK TO BE DONE.			
03-26-86	MJC	0.40	16.00
TELEPHONE CONFERENCE WITH CLIENT REGARDING CURRENT GAS READINGS AND STATUS OF CITY'S RETURN OF GAS METER.			
03-27-86	RNB	2.30	103.50
THOROUGH REVIEW AND ANALYSIS OF JUDGE BILLINGS' OPINION; TELEPHONE CONFERENCE WITH ATTORNEY PEARSON TO DISCUSS JUDGE BILLINGS' OPINION AND GROUNDS FOR AN APPEAL THEREFROM; LEGAL RESEARCH ON PROCEDURES FOR THE WITHDRAWAL OF EPA AUTHORIZATION OF A STATE HAZARDOUS WASTE PROGRAM UNDER RCRA AND THE REGULATIONS PROMULGATED THEREUNDER; LEGAL RESEARCH ON RULES OF APPELATE [sic] PROCEDURE FOR APPEALING AN ORDER OF THE U.S. DISTRICT COURT.			
03-27-86	MJC	0.60	24.00
INTRAOFFICE CONFERENCE REGARDING COURT'S DENIAL OF MOTION FOR PRELIMINARY INJUNCTION; REVIEW AND ANALYZE COURT ORDER.			
03-31-86	MJC	1.00	40.00
SEARCH FOR LANDFILL LEACHATE EXPERT.			
04-02-86	MJC	0.50	20.00
CONTINUE SEARCH FOR EXPERTS ON LANDFILL LEACHATE; PLAN FOR FURTHER EXPERT RESEARCH ON EFFECTS OF LANDFILL LEACHATE ON PLANTS.			

04-04-86	WWP	1.50	127.50
REVIEW AND ANALYZE JUDGE BILLINGS' DECISION AND APPEAL OPTIONS.			
04-04-86	RNB	2.40	108.00
FURTHER ANALYSIS OF JUDGE BILLINGS' OPINION AND ARGUMENTS TO BE MADE ON APPEAL; DRAFT OUTLINE OF HAZARDOUS WASTE PERMIT ARGUMENTS TO BE MADE ON APPEAL.			
04-04-86	MJC	0.30	12.00
REVIEW NEWS REGARDING CITY'S SOLUTION TO FUNDING OF DUMP CLOSING; COPY SAME.			
04-07-86	WWP	3.00	255.00
OUTLINE AND EVALUATE GROUNDS FOR APPEAL; TELEPHONE CONFERENCE WITH COURT.			
04-07-86	MJC	1.50	60.00
REVIEW STATUS OF LEACHATE COLLECTION AND DISPOSAL; TELEPHONE CONFERENCE WITH ASSISTANT ATTORNEY GENERAL WRIGHT REGARDING RELEASE OF STATE DOCUMENTS ON LEACHATE; TELEPHONE CONFERENCE WITH AND LETTER TO WATER RESOURCES DEPARTMENT REGARDING SAME.			
04-08-86	MJC	0.80	32.00
REVIEW AND REVISE INFORMATION REQUEST LETTER TO VAEC; REVIEW FILE IN PREPARATION FOR FURTHER FACT RESEARCH.			

04-09-86	RNB	2.30	103.50
PLAN FURTHER DISCOVERY; REVIEW LEGISLATIVE HISTORY ON BILL TO PROTECT WETLANDS AND ON VERMONT'S GROUND-WATER PROTECTION LAW.			
04-09-86	MJC	0.50	20.00
PLAN FURTHER INVESTIGATION AND DISCOVERY.			
04-11-86	WWP	0.30	25.50
STATUS CONFERENCE.			
04-11-86	RNB	0.40	18.00
REVIEW INFORMATION PROVIDED BY GARY SHULTZ OF THE VERMONT AEC, ON THE BURLINGTON LANDFILL LEACHATE.			
04-15-86	RNB	1.30	58.50
FURTHER ANALYSIS OF STANDARDS FOR PRELIMINARY INJUNCTION, STANDARD OF REVIEW ON APPEAL, AND ARGUMENTS TO BE RAISED ON APPEAL.			
04-15-86	MJC	2.00	80.00
REVIEW LEACHATE CHEMICAL RESEARCH FROM STATE; REVIEW FILE AND ACCOUNT FOR OUT-OF-POCKET EXPENSES; TELEPHONE CONFERENCE WITH FEDERAL COURT REGARDING COSTS OF HEARING TRANSCRIPTS; TELEPHONE CONFERENCE WITH ATTORNEY CAIN REGARDING SAME; MEMORANDUM REGARDING SAME.			
04-16-86	MJC	1.30	52.00
REVIEW FILE AND DRAFT MEMORANDUM ON EXPENSES TO DATE.			
04-17-86	MJC	0.50	20.00
REVIEW FILE FOR COPY OF LATEST DISCOVERY DOCUMENT SENT TO CITY OF BURLINGTON; TELEPHONE CONFERENCE WITH			

FEDERAL COURT REGARDING DATE OF FILING.			
04-18-86	RNB	2.80	126.00
LEGAL RESEARCH ON INJUNCTIVE RELIEF UPON A VIOLATION OF THE CLEAN WATER ACT.			
04-21-86	RNB	1.60	72.00
ANALYZE ISSUES PROPOSED TO BE RAISED ON APPEAL AND THE PROCEDURE ON APPEAL; DRAFT NOTICE OF APPEAL.			
04-22-86	WWP	2.00	170.00
OUTLINE AND ANALYZE APPEAL ISSUES; REVIEW EXHIBIT AND TRANSCRIPT REQUIREMENTS ON APPEAL.			
04-22-86	RNB	1.20	54.00
FURTHER ANALYSIS OF ISSUES PROPOSED TO BE RAISED ON APPEAL; DRAFT PRE-ARGUMENT STATEMENT.			
04-22-86	MJC	0.40	16.00
TELEPHONE CONFERENCE WITH FEDERAL COURT FOR LIST OF EXHIBITS; REVIEW AND PROOFREAD NOTICE OF APPEAL DOCUMENTS.			
04-23-86	WWP	2.00	170.00
LENGTHY REVIEW OF PROCEDURES FOR SECOND CIRCUIT COURT OF APPEALS.			
04-23-86	MJC	0.30	12.00
REVIEW EXHIBIT LIST FROM FEDERAL COURT; MEMORANDUM TO ATTORNEY BLAND REGARDING SAME.			
04-24-86	WWP	1.00	85.00
ANALYZE POSSIBLE MOTION FOR PARTIAL SUMMARY JUDGMENT.			

04-24-86	RNB	0.80	36.00
ANALYZE PROCEDURE FOR DOCKETING THE APPEAL; TELEPHONE CONFERENCE WITH CLERK OF FEDERAL DISTRICT COURT.			
04-24-86	MJC	0.40	16.00
PLAN FURTHER INVESTIGATION AND ESTIMATE TIME NEEDED TO COMPLETE FACT INVESTIGATION BEFORE TRIAL.			
04-25-86	WWP	0.30	25.50
REVIEW CONSENT TO TRIAL BY MAGISTRATE.			
04-28-86	RNB	0.50	22.50
REVIEW PROCEDURE FOR ADMISSION TO PRACTICE BEFORE THE U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT.			
04-29-86	WWP	0.30	25.50
REVIEW LETTER FROM MS. SHEEHAN REGARDING GAS DETECTOR.			
04-29-86	RNB	1.30	58.50
FURTHER ANALYSIS OF PROCEDURE ON APPEAL; DRAFT OUTLINE OF PROCEDURE AND DEADLINES ON APPEAL.			
04-30-86	WWP	1.00	85.00
FINAL REVIEW OF FORMS C AND D, OTHER APPEAL PROCEDURES AND PROPER CERTIFICATION.			
04-30-86	RNB	1.50	67.50
ANALYZE NEED TO FILE DEPOSITIONS OF THE GENERATORS SO AS TO INCLUDE THEM WITHIN THE DOCKET ENTRIES; REVIEW AND ANALYZE FORMS C AND D AND FURTHER LEGAL RESEARCH ON PROCEDURES ON APPEAL.			

04-30-86	MJC	0.60	24.00
SUBMITTAL OF DEPOSITIONS TO FEDERAL COURT FOR FILING; TELEPHONE CONFERENCE WITH COURT CLERK REGARDING SAME.			
05-01-86	WWP	0.60	51.00
FINAL APPROVAL OF APPEAL FORMS; SERVICE OF SAME.			
05-01-86	RNB	0.50	22.50
REVIEW OF PAPERS TO BE FILED IN THE COURT OF APPEALS AND IN THE U.S. DISTRICT COURT, AND TO BE SERVED ON THE OTHER PARTIES.			
05-04-86	MJC	0.30	12.00
LETTER TO COURT CLERK REGARDING FILING OF DEPOSITIONS.			
05-05-86	RNB	2.80	126.00
LEGAL RESEARCH UNDER RCRA AND THE CWA IN PREPARATION FOR DRAFTING APPELLANTS' BRIEF.			
05-06-86	WWP	1.00	85.00
READ SECOND CIRCUIT SCHEDULING CALENDAR; CONFERENCE WITH MR. CLAPP; TELEPHONE CONFERENCE WITH CLIENT.			
05-06-86	RNB	5.20	234.00
CONTINUE LEGAL RESEARCH UNDER RCRA AND THE CWA IN PREPARATION FOR DRAFTING BRIEF.			
05-07-86	WWP	1.00	85.00
REVIEW APPEAL SCHEDULE OF HEARING DATES AND ISSUES OUTLINE; REVIEW EVIDENCE OF TRASH AT DAGUE HOUSE; REVIEW PHOTOGRAPHS.			

05-07-86	RNB	7.30	328.50
DRAFT LETTERS TO MR. BURBANK AND ATTORNEY CLAPP REGARDING CONSENT TO PROCEED BEFORE THE MAGISTRATE; TELEPHONE CONFERENCE WITH CLERK OF THE U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT REGARDING ADMISSION TO PRACTICE BEFORE THE SECOND CIRCUIT; CONTINUE LEGAL RESEARCH OF CASELAW UNDER RCRA AND THE CWA IN PREPARATION FOR DRAFTING THE BRIEF.			
05-08-86	WWP	0.50	42.50
REVIEW EXHIBIT REQUIREMENTS.			
05-08-86	RNB	5.80	261.00
DRAFT FIRST PART OF ARGUMENT I OF APPELLANTS' BRIEF.			
05-08-86	MJC	0.60	24.00
LETTER TO MS. SHEAHAN REGARDING REMOVAL OF GAS EQUIPMENT; EVALUATE TRASH PROBLEM AT LANDFILL.			
05-09-86	WWP	2.30	195.50
REVIEW OUTLINE FOR BRIEF; LETTER TO MR. CLAPP REGARDING EXHIBITS.			
05-09-86	RNB	6.30	283.50
DRAFT SECOND AND THIRD PARTS OF ARGUMENT I OF APPELLANTS' BRIEF.			
05-09-86	MJC	2.00	80.00
REVIEW EXHIBITS TO BE FILED WITH APPEALS COURT; DELIVER NOTICE OF EXHIBITS DESIGNATED TO ATTORNEY CLAPP.			
05-11-86	RNB	3.30	148.50
DRAFT ARGUMENT II OF APPELLANTS' BRIEF.			

05-12-86	RNB	5.50	247.50
THOROUGH ANALYSIS OF WEINBERGER CASE AND DRAFT ARGUMENT III OF THE BRIEF.			
05-13-86	WWP	4.50	382.50
PREPARE FOR TOMORROW'S PRE-ARGUMENT CONFERENCE.			
05-13-86	RNB	5.20	234.00
DRAFT STATEMENT OF THE CASE AND STATEMENT OF THE FACTS; REVISE ARGUMENTS I, II, AND III; PREPARATION FOR PRE-ARGUMENT CONFERENCE.			
05-14-86	WWP	9.00	765.00
PREPARATION FOR AND ATTEND CONFERENCE AT SECOND CIRCUIT COURT OF APPEALS.			
05-14-86	RNB	11.00	495.00
PREPARATION FOR AND ATTEND PRE-ARGUMENT CONFERENCE AT THE U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT.			
05-15-86	WWP	0.30	25.50
LETTER TO COURT.			
05-15-86	RNB	0.30	13.50
TELEPHONE CONFERENCE WITH CLERK OF THE U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT REGARDING SCHEDULING OF ARGUMENT.			
05-16-86	WWP	1.00	85.00
REVIEW DOCKET ENTRIES; TELEPHONE CONFERENCE WITH MR. CLAPP; LETTER TO COURT.			
05-16-86	RNB	1.50	67.50
EXTENDED TELEPHONE CONFERENCE WITH JOEL BLUMSTEIN, ATTORNEY FOR			

EPA REGION I, RCRA HAZARDOUS WASTE DIVISION; EXTENDED TELEPHONE CONFERENCE WITH BRUCE LINNETT, ATTORNEY FOR ENVIRONMENTAL DEFENSE FUND, INC.

05-16-86	MJC	0.70	28.00
ANALYZE EXHIBITS TO BE DESIGNATED ON APPEAL; DELIVER NOTICE OF SAME TO OPPOSITE COUNSEL.			
05-19-86	RNB	2.80	126.00
COMPILE APPENDIX AND TABLE OF CONTENTS OF BRIEF.			
05-20-86	WWP	5.20	442.00
DRAFT AND EDIT BRIEF; DETAILED ANALYSIS OF NECESSARY REVISIONS TO SAME.			
05-20-86	RNB	4.50	202.50
TELEPHONE CONFERENCE WITH MR. JARVIS REGARDING DEPOSITIONS OF THRID-PARTY DEFENDANTS AND PLAINTIFFS' EXHIBITS; ANALYZE ISSUES IN NEED OF ADDITIONAL LEGAL RESEARCH AND ANALYZE ISSUES RAISED ON APPEAL; ANALYSIS OF CITY OF GALLATIN CASE AND THE "HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984."			
05-21-86	WWP	6.50	552.50
DRAFT AND EDIT BRIEF.			
05-21-86	RNB	10.80	486.00
FURTHER ANALYSIS OF ISSUES RAISED ON APPEAL; REVIEW PROCEDURAL REQUIREMENTS FOR BRIEF; REVISE BRIEF.			
05-21-86	MJC	2.80	112.00
SEND JUDGE BILLING'S OPINION TO DR. REED; ASSEMBLE DOCUMENTS FOR APPENDIX TO APPELLANTS' BRIEF.			

05-22-86	WWP	5.00	425.00
FURTHER EDITS TO BRIEF; FURTHER ANALYSIS OF WASTE INDUSTRIES AND OTHER IMPORTANT CASES; REVIEW CASE CHART.			
05-22-86	RNB	8.30	373.50
DRAFT CHART OF CASELAW FOR THE APPEAL; DRAFT CHECKLIST FOR THE APPEAL; REVISE BRIEF.			
05-22-86	MJC	4.00	160.00
ASSEMBLE AND PAGINATE APPENDIX TO APPELLANTS' BRIEF; REVIEW CITATIONS IN BRIEF FOR APPENDIX.			
05-23-86	WWP	7.50	637.50
EXTENSIVE EDIT OF BRIEF; REVIEW FILING FORM REQUIREMENTS.			
05-23-86	RNB	7.30	328.50
FURTHER ANALYSIS AND REVISE BRIEF; DRAFT CERTIFICATE OF SERVICE.			
05-23-86	JHT	2.20	99.00
LEGAL RESEARCH REGARDING SCOPE OF DISCRETION FOR INJUNCTIVE RELIEF.			
05-23-86	MJC	5.00	200.00
PREPARATION FOR APPEAL; FILE ORGANIZATION; SITE INSPECTION AND CONFERENCE WITH CLIENTS REGARDING CITY'S REQUEST TO CLEAN BANK BESIDE LANDFILL; ASSIST IN PREPARING DOCUMENTS FOR APPEAL.			
05-25-86	WWP	4.50	382.50
DRAFTING AND EDITING BRIEF.			
05-26-86	WWP	10.00	850.00
EXTENSIVE DRAFTING AND EDITING OF BRIEF; ANALYZE JUDICIAL DISCRETION AND LEGAL RESEARCH ON SAME.			

05-26-86	MJC	7.70	308.00
PREPARATION FOR FILING BRIEF, APPENDIX AND ADDENDUM WITH COURT OF APPEALS; PROOFREAD BRIEF; COPY STATUTES FOR ADDENDUM.			
05-26-86	DL	7.00	210.00
LEGAL RESEARCH ON STANDARDS FOR ISSUANCE OF PRELIMINARY INJUNCTION UPON VIOLATION OF FEDERAL ENVIRONMENTAL AND OTHER PUBLIC INTEREST LEGISLATION.			
05-27-86	WWP	2.50	212.50
PREPARE BRIEF FOR FILING WITH COURT OF APPEALS.			
05-27-86	MJC	6.80	272.00
PREPARE BRIEF, APPENDIX AND ADDENDUM FOR FILING; TELEPHONE CONFERENCE WITH PRINTERS REGARDING SAME; ORGANIZE AND COMPLETE PRINTING, PROOFREAD AND REVISE BRIEF; ASSEMBLE PACKAGES OF DOCUMENTS FOR FILING AND SERVICE; TELEPHONE CONFERENCE WITH DON BESSETTE REGARDING CITY'S REQUEST TO CLEAR BANK; MEMORANDUM REGARDING SAME.			
05-28-86	WWP	0.50	42.50
READ HAGAR'S MOTION TO APPEAR; REVIEW CITY TRASH CLEAN-UP LETTER.			
05-28-86	MJC	4.90	196.00
TELEPHONE CONFERENCE WITH PRINTER TO STRAIGHTEN OUT PRINTING BILL; ORGANIZE FILE FOR USE IN PREPARATION FOR APPEAL AND TRIAL.			

05-29-86	WWP	2.50	212.50
READ G.E. MOTION TO DISMISS; PLAN FURTHER INVESTIGATION; VISIT TO LANDFILL.			
05-29-86	MJC	0.40	16.00
FILE ORGANIZATION.			
06-02-86	MJC	0.60	24.00
REVIEW GE MOTION TO DISMISS; ORGANIZE FILE.			
06-03-86	WWP	2.80	238.00
REVIEW CITY'S LETTER FOR BANK CLEAN-UP; REVIEW AND ANALYZE BRIEF WITH ATTORNEY BLAND; OUTLINE NOTICE ARGUMENTS; REVIEW G.E. MOTION.			
06-03-86	RNB	2.80	126.00
PREPARATION FOR ORAL ARGUMENT; LEGAL RESEARCH ON DISTRICT COURT'S DISCRETION TO ISSUE AN INJUNCTION UPON A FINDING OF A STATUTORY VIOLATION.			
06-03-86	MJC	1.20	48.00
ANALYZE CITY'S REPLY TO CLEAN DUMP-BANK; REVIEW STATUS OF POLLUTION CONTROL SYSTEMS; TELEPHONE CONFERENCE WITH VERMONT WATER RESOURCES DEPARTMENT REGARDING SAME.			
06-04-86	MJC	4.30	172.00
ANALYZE NEW GAS READINGS IN YARD; TELEPHONE CONFERENCE WITH BILL AHEARN REGARDING STATUS OF GAS-LEACHATE COLLECTION SYSTEMS; SITE INSPECTION OF SAME; REVIEW DISCOVERY RESPONSES BY CITY REGARDING DOCUMENTS RELATING TO OPERATION OF LANDFILL; MEMORANDUM TO ATTORNEY PEARSON REGARDING SAME.			

06-05-86	MJC	1.60	64.00
DRAFT LETTER TO CITY REGARDING CLEANUP OF EMBANKMENT.			
06-06-86	MJC	1.30	52.00
REVIEW AND EDIT LETTER TO CITY REGARDING CLEANUP OF EMBANKMENT.			
06-08-86	WWP	2.50	212.50
ANALYZE PROCEDURES; REVIEW NOTICE DOCUMENTS; OUTLINE ARGUMENT AND ORGANIZE APPEAL NOTEBOOK.			
06-09-86	RNB	2.30	103.50
REVIEW EPA'S NEW REGULATIONS BAN- NING LAND DISPOSAL OF SPECIFIED HAZ- ARDOUS WASTES BY NOVEMBER 1986; TELEPHONE CONFERENCE WITH DR. FRANK REED.			
06-09-86	MJC	0.80	32.00
ANALYZE STATE POSITION ON "LEAKING" WASTES; DRAFT LETTER TO CITY REGARD- ING GAS SYSTEM.			
06-10-86	RNB	4.60	207.00
THOROUGH REVIEW OF "AN OVERVIEW OF HAZARDOUS WASTE REGULATION UNDER RCRA"; DRAFT MEMORANDUM REGARD- ING SAME.			
06-10-86	MJC	0.50	20.00
REVISE LETTERS TO CITY REGARDING GAS COLLECTION AND CLEANUP OF EMBANK- MENT.			
06-11-86	WWP	4.00	340.00
REVIEW AND ANALYZE CITY'S BRIEF; PRE- PARE NOTEBOOK FOR ARGUMENT.			

06-11-86	RNB	8.00	360.00
THOROUGH REVIEW AND ANALYSIS OF CITY'S BRIEF; CONFERENCE WITH ATTOR- NEY PEARSON TO DISCUSS NOTEBOOK FOR ORAL ARGUMENT AND TO DISCUSS CITY'S BRIEF; COMPILE DOCUMENTS FOR NOTE- BOOK FOR ORAL ARGUMENT; REVIEW AND ANALYZE MEMORANDUM REGARDING TRADITIONAL AND SECOND CIRCUIT STANDARDS FOR PRELIMINARY INJUNC- TION.			
06-11-86	MJC	2.40	96.00
ASSIST IN PREPARING APPEAL NOTEBOOK; TELEPHONE CONFERENCE WITH APPEALS COURT REGARDING RETURN OF "EXTRA" COPIES OF APPENDIX; REVIEW CITY'S BRIEF; ORGANIZE [sic] FILE.			
06-12-86	WWP	2.00	170.00
EDIT LETTER TO CITY; VERIFY DOCUMENTS TO COURT AND HEARING DATE; REVIEW FIRST DRAFT OF REPLY BRIEF.			
06-13-86	WWP	2.40	204.00
FURTHER ANALYZE CITY'S BRIEF; TELE- PHONE CONFERENCES WITH MR. SORELL; PREPARE FOR HEARING; LOCATE DOCU- MENTS; REVIEW HEARING BINDER; TELE- PHONE CONFERENCE WITH MR. WADHAMS.			
06-13-86	RNB	4.20	189.00
LEGAL RESEARCH ON ABANDONMENT [sic] OR WAIVER OF A CLAIM ON APPEAL; COM- PILE DOCUMENTS FOR NOTEBOOK FOR ORAL ARGUMENT.			

06-15-86	WWP	3.50	297.50
REVIEW LEGISLATIVE HISTORY FOR 1984 AMENDMENTS; REVIEW AND ANALYZE BRIEFS.			
06-16-86	WWP	1.50	127.50
TELEPHONE CONFERENCE WITH MR. DAGUE; EDIT LETTERS; FURTHER ANALYSIS OF CITY'S BRIEF.			
06-16-86	RNB	1.50	67.50
CONFERENCE WITH ATTORNEY PEARSON REGARDING RE-SCHEDULING OF ORAL ARGUMENT AND DISCUSSION OF "HARZARDOUS [sic] AND SOLID WASTE AMENDMENTS OF 1984"; FURTHER ANALYSIS OF MEMORANDUM ON STATUTORY INJUNCTIONS.			
06-16-86	MJC	1.80	72.00
TELEPHONE CONFERENCE WITH ERNIE DAGUE, SR. REGARDING LETTER TO CITY PERMITTING CLEANUP OF EMBANKMENT; CONFERENCE WITH ERNIE DAGUE, SR. REGARDING SAME; REVISE LETTER OF AGREEMENT WITH CITY.			
06-17-86	WWP	1.50	127.50
TELEPHONE CONFERENCE WITH COURT; TELEPHONE CONFERENCE WITH MR. CLAPP; MOTION AND AFFIDAVIT TO COURT REGARDING ORAL ARGUMENT DATE.			
06-17-86	RNB	1.80	81.00
COMPILE RCRA'S CRITERIA FOR CLASSIFICATION OF SANITARY LANDFILLS FOR NOTEBOOK FOR ORAL ARGUMENT.			
06-18-86	RNB	0.70	31.50
REVISE REPLY BRIEF.			

06-18-86	MJC	3.30	132.00
CONFERENCE WITH DON BESSETTE REGARDING SIGNING OF AGREEMENT WITH CITY TO CLEAN UP BANK; FILE MAINTENANCE; SEND BRIEFS TO CLIENTS; CONFERENCE WITH MR. BESSETTE REGARDING CONSTRUCTION PLAN ON HIS MOTHERS'S PROPERTY.			
06-19-86	WWP	2.40	204.00
REVIEW STATE PLAN AND 1984 RCRA AMENDMENTS; PREPARE FOR ORAL ARGUMENT; REVIEW ARGUMENT NOTEBOOK.			
06-19-86	MJC	0.50	20.00
TELEPHONE CONFERENCE WITH BILL AHERN AND BOB SIMPSON REGARDING RELEASE OF CITY MEMORANDUM STATING COMPLETION OF METHANE GAS AND LEACHATE SYSTEMS.			
06-22-86	RNB	0.80	36.00
DISCUSS REPLY BRIEF WITH ATTORNEY PEARSON AND PREPARATION FOR TRIAL.			
06-22-86	MJC	0.50	20.00
PLAN FOR TRIAL.			
06-23-86	WWP	2.50	212.50
DRAFT REPLY BRIEF.			
06-23-86	RNB	3.50	157.50
DRAFT TABLE OF CONTENTS AND TABLE OF CASES AND STATUTES FOR REPLY BRIEF; THOROUGH PROOFREAD OF REPLY BRIEF.			
06-23-86	MJC	3.00	120.00
DRAFT CERTIFICATE OF SERVICE AND ENCLOSURE LETTER TO COURT FOR FILING REPLY BRIEF; PROOFREAD REPLY BRIEF; ORGANIZE COPYING AND DISTRIBUTION			

OF REPLY BRIEF; DELIVER TO ATTORNEY CLAPP; SEND COPIES OF ALL BRIEFS TO CLIENTS.

06-24-86	RNB	4.90	220.50
DRAFT STATEMENT OF THE CASE AND OUTLINE OF FIRST ARGUMENT FOR ORAL ARGUMENT; REVIEW AND ANALYZE LEACHATE TEST RESULTS.			
06-25-86	RNB	5.20	234.00
DRAFT SECOND AND THIRD ARGUMENTS FOR ORAL ARGUMENT.			
06-25-86	MJC	4.20	168.00
ORGANIZE FACT FILE; REVIEW MOREAU DEPOSITION EXHIBITS; REVIEW AND ANALYZE WATER TEST RESULTS.			
07-03-86	MJC	0.60	24.00
FILE ORGANIZATION AND INDEXING.			
07-07-86	MJC	0.30	12.00
LETTER TO COURT REQUESTING ESTIMATE OF HEARING TRANSCRIPT-TAPE COSTS.			
07-08-86	RNB	0.50	32.50
REVIEW CITY'S MEMORANDUM IN OPPOSITION TO MOTIONS TO DISMISS AND CITY'S MOTION TO JOIN ADDITIONAL DEFENDANTS.			
07-10-86	RNB	0.30	19.50
TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING STATUS OF CASE.			
07-10-86	MJC	0.30	12.00
FILE MAINTENANCE.			

07-17-86	RNB	1.30	84.50
LEGAL RESEARCH ON IMPOSITION OF CIVIL PENALTIES FOR PAST VIOLATIONS OF THE CLEAN WATER ACT.			
07-22-86	RNB	0.30	19.50
TELEPHONE CONFERENCE WITH MAGISTRATE'S CLERK REGARDING HEARING ON THIRD-PARTY DEFENDANTS' MOTIONS.			
07-23-86	WWP	0.40	40.00
REVIEW OF CASE.			
07-23-86	RNB	0.40	26.00
REVIEW THIRD-PARTY DEFENDANT G.E.'S SUPPLEMENTAL MEMORANDUM IN SUPPORT MOTION TO DISMISS.			
07-23-86	DL	4.00	120.00
LEGAL RESEARCH AND MEMORANDUM ON MANDATORY INJUNCTIONS.			
07-24-86	RNB	0.60	39.00
THOROUGH REVIEW AND EDIT OF MEMORANDUM REGARDING MANDATORY INJUNCTIONS.			
07-31-86	RNB	1.50	97.50
PREPARE FOR ORAL ARGUMENT ON APPEAL; REVIEW THIRD-PARTY DEFENDANT'S MEMORANDUM IN OPPOSITION TO CITY'S MOTION TO JOIN ADDITIONAL DEFENDANTS.			
07-31-86	MJC	2.50	100.00
TELEPHONE CONFERENCE WITH CLIENT REGARDING STATUS OF DUMP CLEANUP AND GAS TESTING.			
08-06-86	RNB	2.40	156.00
FURTHER PREPARATION FOR ORAL ARGUMENT; DRAFT LIST OF QUESTIONS LIKELY			

TO BE RAISED AT ORAL ARGUMENT; TELEPHONE CONFERENCE WITH ENVIRONMENTAL TASK FORCE.

08-08-86	WWP	1.00	100.00
PREPARE FOR ORAL ARGUMENT.			
08-10-86	WWP	3.60	360.00
PREPARE FOR ORAL ARGUMENT.			
08-12-86	WWP	3.00	300.00
PREPARE FOR ORAL ARGUMENT.			
08-12-86	RNB	6.40	416.00
SITE INVESTIGATION; PREPARATION FOR ORAL ARGUMENT.			
08-13-86	WWP	8.00	800.00
PREPARE FOR TOMORROW'S ARGUMENT; TRAVEL TO NYC.			
08-13-86	RNB	8.50	552.50
LEGAL RESEARCH ON NOTICE PROVISIONS OF RCRA AND THE CWA; PREPARATION FOR ORAL ARGUMENT.			
08-14-86	WWP	8.00	800.00
ORAL ARGUMENT AT SECOND CIRCUIT.			
08-14-86	RNB	8.00	520.00
FURTHER PREPARATION FOR ORAL ARGUMENT AND ATTEND ORAL ARGUMENT.			
08-18-86	WWP	1.50	150.00
REVIEW SECOND CIRCUIT HEARING AND REFILE DOCUMENTS; ORGANIZE THIRD PARTY PARTICIPATION.			
08-18-86	RNB	0.30	19.50
TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING ORAL ARGUMENT AT COURT OF APPEALS.			

08-18-86	MJC	1.50	60.00
FILE MAINTENANCE; ASSEMBLE THIRD-PARTY PLEADINGS NOTEBOOK.			
08-20-86	WWP	1.00	100.00
TELEPHONE CONFERENCE WITH COURT; REVIEW AND ANALYZE DECISION OF COURT OF APPEALS.			
08-21-86	WWP	5.00	500.00
ANALYZE ALL OPTIONS FOR APPEAL; TRIAL PREPARATION; ANALYZE CITY'S COMPLIANCE WITH ORDER.			
08-21-86	RNB	1.50	97.50
CONFERENCE WITH ATTORNEY PEARSON TO DISCUSS DECISION AND POSSIBLE APPEAL FROM SECOND CIRCUIT; PLAN DISCOVERY IN PREPARATION FOR TRIAL.			
08-25-86	WWP	2.50	250.00
READ THIRD-PARTY PLEADINGS; REVIEW NOTICE ARGUMENTS.			
08-25-86	MJC	1.30	52.00
DRAFT MOTION TO COMPEL TO CITY; DRAFT WITNESS TESTIMONY LIST; TELEPHONE CONFERENCE WITH COURT TO ORDER TAPES OF OGDEN TESTIMONY.			
08-26-86	WWP	2.50	250.00
PREPARE FOR TOMORROW'S HEARING; ANALYZE NEED FOR ADDITIONAL EXPERTS; REVIEW DISCOVERY STATUS; OUTLINE PRESENTATION FOR HEARING.			
08-26-86	RNB	3.50	227.50
PREPARATION FOR HEARING ON MOTIONS TO DISMISS THIRD-PARTY COMPLAINT AND ON MOTION TO JOIN ADDITIONAL PARTY DEFENDANTS; LEGAL RESEARCH ON JOINDER OF JOINT TORTFEASORS UNDER RCRA.			

08-27-86	WWP	3.00	300.00
ATTEND HEARING; ORGANIZE FURTHER DISCOVERY.			
08-27-86	RNB	3.00	195.00
PREPARATION FOR AND ATTEND HEARING ON MOTIONS TO DISMISS THIRD-PARTY COMPLAINT AND MOTION TO JOIN ADDITIONAL PARTY DEFENDANTS.			
08-27-86	MJC	2.30	92.00
ORGANIZE FILE; LETTER TO MAGISTRATE; DRAFT AND EDIT REQUESTS TO ADMIT.			
08-28-86	MJC	1.00	40.00
REVISE LETTER TO MAGISTRATE; REVISE REQUESTS TO ADMIT; REVISE FILE INDEX.			
08-29-86	WWP	0.60	60.00
ANALYZE TRIAL EXPERTS; STATUS CHECK ON ADDITIONAL DISCOVERY.			
09-02-86	MJC	0.70	28.00
REVIEW FILE; TELEPHONE CONFERENCE WITH UVM MAP OFFICE FOR EARLY AERIAL PHOTOS OF LANDFILL.			
09-03-86	RNB	1.00	65.00
REVIEW AND EDIT FIRST SET OF REQUESTS FOR ADMISSION.			
09-03-86	MJC	4.20	168.00
FACT RESEARCH ON AVAILABILITY OF EARLY AERIAL PHOTOS OF LANDFILL; CONFERENCE WITH UVM NATURAL RESOURCES, LIBRARY AND GEOGRAPHY DEPARTMENTS; LETTER TO ATTORNEY CLAPP REGARDING DEPOSITION SIGNATURES.			
09-04-86	RNB	0.70	45.50
REVIEW AND ANALYSIS OF REQUESTS FOR ADMISSION.			

09-05-86	MJC	1.50	60.00
TELEPHONE CONFERENCE WITH NATIONAL ARCHIVES REGARDING PRINTS OF EARLY LANDFILL PHOTOS; REVISE REQUESTS FOR ADMISSION TO CITY; DRAFT CERTIFICATE OF SERVICE.			
09-08-86	WWP	0.80	80.00
REVIEW AND ANALYZE AERIAL PHOTOS OF LANDFILL.			
09-09-86	MJC	2.00	80.00
DRAFT ADDITIONAL REQUESTS FOR ADMISSION REGARDING STATE CLAIMS; REVIEW FILE.			
09-10-86	MJC	0.60	24.00
REVISE REQUESTS FOR ADMISSION.			
09-11-86	RNB	1.10	71.50
THOROUGH REVIEW OF PLAINTIFFS' SECOND SET OF REQUESTS FOR ADMISSION; REVIEW AND REVISE PLAINTIFFS' MOTION TO COMPEL.			
09-11-86	MJC	2.00	80.00
PLAN FOR FURTHER WORK TO BE DONE; DRAFT MOTION TO COMPEL TO CITY AND CERTIFICATE OF SERVICE; TELEPHONE CONFERENCE WITH COURT REGARDING OGDEN TESTIMONY TAPES.			
09-15-86	WWP	0.30	30.00
REVIEW LETTERS FROM ALLAN KEYES.			
09-15-86	RNB	0.50	32.50
LEGAL RESEARCH ON WYCKOFF CO. DECISION WHICH HOLDS THAT STATE HAZARDOUS WASTE PROGRAMS DON'T DISPLACE FEDERAL AUTHORITY.			

09-17-86	MJC	0.80	32.00
TELEPHONE CONFERENCE WITH BETTY DAGUE REGARDING QUESTION FROM LANDFILL OPERATOR; FILE MAINTENANCE; MEMORANDUM TO ATTORNEY PEARSON REGARDING RELEASE OF HAGAR LETTER; TELEPHONE CONFERENCE WITH DAGUES.			
09-23-86	MJC	1.20	48.00
REVIEW FILE; DRAFT AFFIDAVIT IN SUPPORT OF MOTION TO COMPEL.			
09-24-86	MJC	0.30	12.00
REVISE AFFIDAVIT IN SUPPORT OF MOTION TO COMPEL.			
09-30-86	WWP	2.00	200.00
TELEPHONE CONFERENCE WITH ERNIE DAGUE; TRIP TO LANDFILL.			
09-30-86	RNB	1.50	97.50
SITE INVESTIGATION OF DAGUE PROPERTY AND LANDFILL.			
09-30-86	MJC	1.50	60.00
TRIP TO LANDFILL.			
10-01-86	WWP	0.30	30.00
SERVICE AND FILING OF REQUESTS TO ADMIT.			
10-01-86	MJC	1.40	56.00
DRAFT ADDITIONAL REQUESTS TO PRODUCE.			
10-03-86	WWP	0.30	30.00
SERVICE AND FILING OF AFFIDAVIT IN SUPPORT OF MOTION TO COMPEL.			
10-07-86	MJC	0.60	24.00
ORGANIZE FILE.			

10-08-86	WWP	0.50	50.00
REVIEW GE'S RESPONSE TO REQUESTS TO ADMIT.			
10-08-86	RNB	0.60	39.00
TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING MALFUNCTION OF METHANE GAS ALARM; LETTER TO ATTORNEY CLAPP REGARDING INSTALLATION OF A TEMPORARY METHANE GAS ALARM IN THE DAGUE'S BASEMENT.			
10-09-86	WWP	1.00	100.00
ANALYZE OPTIONS IN LIGHT OF CITY'S FAILURE TO RESPOND TO REQUESTS TO ADMIT.			
10-10-86	WWP	2.70	270.00
ANALYZE CITY'S RESPONSES TO REQUESTS TO ADMIT AND INTERROGATORIES; ANALYZE RESPONSE STRATEGY.			
10-10-86	RNB	5.50	357.50
THOROUGH REVIEW OF CITY'S RESPONSES TO PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSION; LEGAL RESEARCH ON F.R.C.P. 36(A); INITIAL DRAFT OF PLAINTIFFS' MOTION FOR SANCTIONS ON CITY'S RESPONSES TO REQUESTS FOR ADMISSION.			
10-10-86	MJC	2.40	96.00
EXAMINE EARLY AERIAL PHOTOS; ANALYZE CITY'S RESPONSES TO INTERROGATORIES, REQUESTS TO PRODUCE, AND REQUESTS TO ADMIT; ANALYZE SETTLEMENT POSSIBILITIES; FILE AND SERVE MOTION TO STRIKE.			

10-13-86	WWP	3.20	320.00
REVIEW RESPONSE TO CITY'S INSUFFICIENT ANSWERS; EDIT LETTER; EXAMINE DOCUMENT ATTACHMENTS; RESEARCH APPLICATION OF RULE 36 SANCTIONS.			
10-13-86	RNB	2.00	130.00
REVISE PLAINTIFFS' MOTION TO DETERMINE THE SUFFICIENCY OF DEFENDANT'S ANSWERS AND OBJECTIONS TO REQUESTS FOR ADMISSION; THOROUGH REVIEW AND ANALYSIS OF DEFENDANT'S RESPONSES TO PLAINTIFFS' INTERROGATORIES AND REQUESTS TO PRODUCE DATED MARCH 13, 1986.			
10-13-86	MJC	3.30	132.00
REVIEW AND ANALYZE CITY'S RESPONSES TO DISCOVERY; REVIEW FILE AND DRAFT MEMORANDA REGARDING CONTROVERTING EVIDENCE.			
10-14-86	WWP	1.00	100.00
REVIEW AND ANALYZE MOTION REGARDING INSUFFICIENCY OF CITY'S ANSWERS.			
10-14-86	RNB	3.30	214.50
FACT RESEARCH CONCERNING CITY'S DOCUMENTS AND TESTIMONY THAT REFUTE DEFENDANT'S GENERAL DENIALS AND OBJECTIONS TO REQUESTS FOR ADMISSION; DRAFT SECOND ARGUMENT IN PLAINTIFFS' MOTION TO DETERMINE THE SUFFICIENCY OF THE CITY'S ANSWERS AND OBJECTIONS TO REQUESTS FOR ADMISSION.			
10-14-86	MJC	3.80	152.00
FURTHER REVIEW OF DEFENDANT'S RESPONSES TO REQUESTS TO ADMIT; DRAFT RESPONSE DOCUMENT REGARDING INSUFFICIENCY OF RESPONSES.			

10-15-86	WWP	1.00	100.00
ANALYZE PLAINTIFFS' SUPPORTING MEMORANDUM; LETTER TO MR. CLAPP.			
10-15-86	MJC	1.80	72.00
REVIEW CITY'S RESPONSES TO INTERROGATORIES; COMPILE CONTROVERTING DOCUMENTS.			
10-16-86	WWP	0.50	50.00
REVIEW AND EDIT RESPONSES TO INTERROGATORIES.			
10-16-86	RNB	1.50	97.50
DETAILED ANALYSIS OF DEFENDANT'S RESPONSES TO PLAINTIFFS' REQUESTS TO PRODUCE AND INTERROGATORIES.			
10-21-86	RNB	0.30	19.50
TELEPHONE CONFERENCE WITH JAN MORRISSEY, A PARALEGAL OF DINSE ERDMAN & CLAPP, REGARDING COPYING OF PLAINTIFFS' EXHIBITS.			
10-21-86	MJC	0.80	32.00
MEETING WITH PARALEGAL FROM CITY REGARDING PHOTOCOPYING OF EXHIBITS.			
10-27-86	WWP	1.20	120.00
REVIEW AND ANALYZE CITY'S REQUEST FOR DOCUMENTS.			
10-27-86	RNB	1.20	78.00
ANALYZE RESPONSE TO DEFENDANT'S REQUESTS TO PRODUCE.			
10-27-86	MJC	0.80	32.00
REVIEW FILE FOR ORIGINAL CITY DOCUMENTS.			
10-29-86	MJC	1.20	48.00
REVIEW AUDIO TAPE OF OGDEN TESTIMONY, OTHER TAPES, AND PHOTOS;			

OBTAIN TRANSCRIPT OF OGDEN TESTIMONY.

10-31-86	WWP	1.00	100.00
REVIEW AND ANALYZE MAGISTRATE'S DECISION; ANALYZE IMPACT ON CASE.			
10-31-86	RNB	0.50	32.50
REVIEW AND ANALYZE MAGISTRATE'S REPORT AND RECOMMENDATION ON THE CITY'S MOTION TO JOIN AND THE THIRD-PARTY DEFENDANTS' MOTION TO DISMISS THIRD-PARTY COMPLAINT.			
11-03-86	WWP	0.80	80.00
REVIEW GAS METER OPTIONS; REVIEW MR. CLAPP'S LETTER.			
11-03-86	MJC	2.40	96.00
REVIEW TRANSCRIPT OF OGDEN TESTIMONY; REVISE AND FILE SAME; REVIEW CORRESPONDENCE FROM ATTORNEY CLAPP AND DRAFT RESPONSE LETTER; TELEPHONE CONFERENCE WITH CLIENT REGARDING RECALIBRATION OF GAS METER; DELIVER COPIES OF ATTORNEY CLAPP'S LETTER AND MAGISTRATE'S ORDER TO CLIENT.			
11-04-86	WWP	0.60	60.00
FURTHER REVIEW OF MR. CLAPP'S LETTER; FORMULATE REPLY.			
11-04-86	MJC	1.50	60.00
REVIEW FILE AND OUTLINE QUESTIONS FOR WITNESS INTERVIEWS.			
11-05-86	WWP	1.00	100.00
REVIEW STATUS OF PLEADINGS AND DISCOVERY; ANALYZE PROPOSED ORDER.			

11-05-86	RNB	1.80	117.00
ANALYSIS OF PLAINTIFFS' RESPONSE TO DEFENDANT'S REQUESTS TO PRODUCE; DRAFT PROPOSED ORDER.			
1-05-86	MJC	1.30	52.00
PLAN DISCOVERY AND ANALYZE SETTLEMENT POSSIBILITIES; DRAFT LETTER TO ATTORNEY CLAPP FOR RETURN OF ORIGINAL DOCUMENTS.			
11-07-86	WWP	1.00	100.00
LETTER TO COURT REGARDING PROPOSED ORDER.			
11-07-86	MJC	0.30	12.00
TELEPHONE CONFERENCE WITH SECRETARY OF STATE REGARDING VAEC WASTE MANAGEMENT REGULATIONS.			
11-10-86	MJC	1.00	40.00
REVIEW PROPOSED DISCOVERY ORDER; FILE MAINTENANCE; MEMORANDUM REGARDING DOCUMENTS TO BE COPIED AT ATTORNEY CLAPP'S OFFICE; TELEPHONE CONFERENCE WITH CLIENT REGARDING RECALIBRATION OF GAS METER; MEMORANDUM REGARDING SAME.			
11-12-86	WWP	1.00	100.00
REVIEW CITY'S MOTION TO ENLARGE; ANALYZE RESPONSE.			
11-12-86	RNB	3.50	227.50
ANALYSIS OF DEFENDANT'S MOTION TO ENLARGE TIME AND BEGIN DRAFTING PLAINTIFFS' MEMORANDUM IN OPPOSITION THERETO; ANALYSIS OF PRE-TRIAL STRATEGY.			

11-13-86	RNB	1.00	65.00
ANALYSIS OF THIRD-PARTY DEFENDANT GENERAL ELECTRIC COMPANY'S OBJEC- TIONS TO MAGISTRATE'S REPORT AND REC- COMMENDATION DATED 30 OCTOBER 1986.			
11-17-86	WWP	0.60	60.00
REVIEW DISCOVERY STATUS; REVIEW GAS METER CALIBRATION ISSUE.			
11-17-86	RNB	0.40	26.00
TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING STATUS OF CASE AND HIS AVAILABILITY FOR TRIAL.			
11-19-86	WWP	1.50	150.00
REVIEW MOTION TO COMPEL, AFFIDAVIT, MEMORANDUM IN OPPOSITION TO MOTION TO ENLARGE, AND RESPONSE TO REQUEST TO PRODUCE.			
11-19-86	RNB	6.30	409.50
DRAFT PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION TO ENLARGE TIME AND PLAINTIFFS' RESPONSE TO DEFENDANT'S REQUEST TO PRODUCE DATED OCTOBER 20, 1986; INITIAL REVIEW AND EDIT OF PLAINTIFFS' MOTION TO COMPEL, ALONG WITH SUPPORTING AFFIDAVIT; REVIEW THIRD-PARTY DEFEN- DANT E.B. AND A.C. WHITING COMPANY'S MOTION FOR LEAVE TO FILE OBJECTIONS TO MAGISTRATE'S REPORT AND RECOM- MENDATION DATED OCTOBER 30, 1986 OUT OF TIME.			
11-21-86	WWP	0.70	70.00
TELEPHONE CONFERENCE WITH MR. CLAPP'S OFFICE; ANALYZE DISCOVERY OPTIONS.			

11-24-86	WWP	0.60	60.00
OUTLINE MEMORANDUM TO ACCOMPANY MOTION TO COMPEL; TELEPHONE CONFER- ENCE WITH MR. CLAPP'S OFFICE.			
11-24-86	MJC	0.80	32.00
PLAN FURTHER WORK FOR MOTION TO COMPEL; FILE MAINTENANCE.			
11-25-86	MJC	1.50	60.00
DRAFT MEMORANDUM REGARDING DEFICI- ENCIES IN DEFENDANT'S DISCOVERY RESPONSES.			
11-26-86	WWP	0.30	30.00
REVIEW MEMORANDUM FOR MOTION TO COMPEL.			
11-26-86	MJC	0.50	20.00
REVISE MEMORANDUM REGARDING DIS- COVERY DEFICIENCIES.			
12-10-86	WWP	0.60	60.00
REVIEW FACTS AND MOTION TO COMPEL.			
12-11-86	RNB	2.00	130.00
REVISE PLAINTIFFS' MOTION TO COMPEL WITH SUPPORTING MEMORANDUM AND AND [sic] AFFIDAVIT IN SUPPORT OF MOTION TO COMPEL.			
12-12-86	WWP	0.50	50.00
REVIEW AND SEND MOTION TO COMPEL; ANALYZE ISSUES FOR TRIAL.			
12-17-86	WWP	0.60	60.00
ANALYZE OUTSTANDING MOTIONS; TELE- PHONE CONFERENCE WITH COURT ON MOTION STATUS.			

12-29-86	WWP	1.50	150.00
REVIEW MOTIONS FILED BY G.E., BLODGETT COMPANY AND E.B. AND A.C. WHITING COMPANY.			
12-29-86	MJC	0.20	8.00
FILE MAINTENANCE.			
01-09-87	RNB	0.50	32.50
ANALYSIS OF THIRD PARTIES' MEMORANDA IN OPPOSITION TO MAGISTRATE'S REPORT AND RECOMMENDATION OF OCTOBER 30, 1986.			
01-09-87	MJC	1.00	40.00
PREPARE THIRD-PARTY PLEADINGS INDEX; MEMORANDUM REGARDING OUTSTANDING MOTIONS AND DISCOVERY.			
01-12-87	WWP	0.40	40.00
REVIEW STRATEGY TO PRESSURE COURT ACTION; REVIEW LIST OF OUTSTANDING PLEADINGS AND DISCOVERY.			
01-12-87	RNB	0.30	19.50
ANALYSIS OF PENDING MOTIONS AND OUTSTANDING DISCOVERY.			
01-12-87	MJC	0.50	20.00
CONFERENCE REGARDING MANAGEMENT OF LAWSUIT, OUTSTANDING MOTIONS AND DISCOVERY; REVISE MEMORANDUM REGARDING SAME; REVIEW FILE.			
01-13-87	WWP	1.00	100.00
ANALYZE STATE DISMISSAL OF SUIT AGAINST CITY; FURTHER REVIEW OF PLEADINGS AND DISCOVERY.			
01/13/87	MJC	0.30	12.00
REVIEW NEWS AND CLIP FOR FILE.			

01/14/87	WWP	0.30	30.00
REVIEW STATUS CONFERENCE REQUEST UNDER LOCAL RULES.			
01/20/87	WWP	0.30	30.00
REVIEW HAGAR HARDWARE'S AND G.E.'S MOTIONS TO COMPEL.			
01/20/87	WWP	0.30	30.00
REVIEW G.E. MOTION.			
01/26/87	MJC	1.20	48.00
REVISE ANALYSIS OF DISCOVERY RESPONSES.			
01/27/87	WWP	0.60	60.00
REVIEW SUPPLEMENTAL INTERROGATORIES AND REQUESTS TO PRODUCE.			
01/27/87	MJC	1.60	64.00
REVIEW CITY'S SUPPLEMENTAL DISCOVERY RESPONSES; MEMORANDUM REGARDING SAME; TELEPHONE CONFERENCE WITH VERMONT PUBLIC INTEREST GROUP REGARDING LANDFILL REPORT.			
01/29/87	MJC	2.30	92.00
FURTHER REVIEW OF CITY'S SUPPLEMENTAL DISCOVERY RESPONSES; COMPLETE ANALYSIS OF SAME AND MEMORANDUM.			
01/29/87	MJC	0.30	12.00
ARRANGE FOR DUPLICATION OF TAPED STATEMENTS.			
02/04/87	RNB	0.30	19.50
TELEPHONE CONFERENCE WITH ATTORNEY CULLEN REGARDING CITY'S MEMORANDUM IN OPPOSITION TO MOTION FOR SEVERANCE.			
02/06/87	MJC	0.40	16.00
FILE MAINTENANCE.			

02/09/87	WWP	0.60	60.00
REVIEW COURT ORDER ON MAGISTRATE'S RECOMMENDATION AND ORDER; REVIEW THIRD PARTY BLODGETT'S MOTION TO SEVER.			
02/09/87	RNB	1.50	97.50
REVIEW AND ANALYSIS OF JUDGE BILLINGS' 5 FEBRUARY 1987 ORDER;			
02/11/87	WWP	0.40	40.00
REVIEW DOCUMENTS FROM COURT.			
02/13/87	WWP	0.50	50.00
REVIEW MAGISTRATE'S ORDER AND ANALYZE OPTIONS.			
02/13/87	RNB	2.50	162.50
REVIEW AND ANALYSIS OF MAGISTRATE'S 12 FEBRUARY 1987 ORDER; LEGAL RESEARCH ON STANDING ISSUE.			
02/13/87	MJC	0.50	20.00
PREPARATION FOR STATUS HEARING.			
02/16/87	WWP	0.30	30.00
READ MR. CLAPP'S LETTER.			
02/17/87	RNB	3.00	195.00
INITIAL DRAFT OF MEMORANDUM IN SUPPORT OF PLAINTIFFS' STANDING TO BRING A CLAIM UNDER 42 U.S.C. SECTION 6972(A)(1)(B).			
02/18/87	RNB	1.70	110.50
REVISE MEMORANDUM IN SUPPORT OF PLAINTIFFS' STANDING; LEGAL RESEARCH ON FEDERAL COURT AWARD OF ATTORNEYS' FEES.			
02/19/87	WWP	0.50	50.00
TELEPHONE CONFERENCE WITH COURT; REVIEW LETTER TO MAGISTRATE.			

02/19/87	RNB	0.20	13.00
TELEPHONE CONFERENCE WITH ATTORNEY HOAR REGARDING CITY'S RESPONSES TO INTERROGATORIES OF THIRD-PARTY DEFENDANTS.			
02/19/87	MJC	1.20	48.00
MEMORANDUM REGARDING PENDING MOTIONS AND DISCOVERY; FILE MAINTENANCE; REVIEW CORRESPONDENCE REGARDING HEARING DATE.			
02/25/87	RNB	0.30	19.50
TELEPHONE CONFERENCE WITH ERNIE DAGUE, JR. REGARDING CITY'S ANNUAL REPORT AND STATEMENTS MADE BY MR. GOODKIND CONCERNING THE GENERATION OF METHANE GAS AT THE LANDFILL.			
02/27/87	WWP	0.60	60.00
REVIEW MR. HEMLEY'S LETTER; TELEPHONE CONFERENCE WITH MR. HEMLEY.			
03/02/87	RNB	0.30	19.50
REVIEW G.E.'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO DISMISS.			
03/03/87	MJC	0.50	20.00
TELEPHONE CONFERENCE WITH CLIENT REGARDING HEARING DATE; FACT INVESTIGATION; TELEPHONE CONFERENCE WITH COURT REGARDING HEARING DATE.			
03/05/87	MJC	0.30	12.00
REVIEW BURLINGTON'S ANNUAL REPORT REGARDING LANDFILL.			
03/09/87	RNB	0.30	19.50
REVIEW CITY OF BURLINGTON'S ANNUAL REPORT.			

03/10/87	WWP	0.50	50.00
REVIEW OUTSTANDING MOTIONS FOR STATUS CONFERENCE.			
03/11/87	RNB	0.30	19.50
DISCUSSION AND ANALYSIS OF STANDING ISSUE WITH ATTORNEY PEARSON.			
03/12/87	WWP	0.30	30.00
ANALYZE STANDING ISSUES FOR HEARING.			
03/13/87	WWP	0.50	50.00
ANALYZE DIFFERENCES IN ANSWERS TO INTERROGATORIES.			
03/16/87	WWP	2.80	280.00
REVIEW ALL OUTSTANDING MOTIONS; HEARING ON MOTIONS; CONFERENCE WITH CLIENT.			
03/16/87	RNB	3.50	227.50
THOROUGH REVIEW AND ANALYSIS OF CITY'S MEMORANDUM IN OPPOSITION TO MOTION TO DISMISS; PREPARATION FOR AND ATTEND HEARING ON THIRD-PARTY DEFENDANT'S MOTION TO DISMISS.			
03/16/87	MJC	1.20	48.00
FILE MAINTENANCE; REVIEW STATUS OF PLEADINGS AND DISCOVERY; UPDATE MEMORANDUM REGARDING SAME; TELEPHONE CONFERENCE WITH CLIENT REGARDING HEARING.			
03/17/87	MJC	0.50	20.00
PREPARATION FOR HEARING.			
03/19/87	WWP	0.40	40.00
REVIEW MR. CLAPP'S LETTER; ANALYZE OPTIONS.			

03/19/87	RNB	2.50	162.50
THOROUGH REVIEW AND ANALYSIS OF ATTORNEY CLAPP'S 18 MARCH 1987 LETTER TO MAGISTRATE NIEDERMEIER; IDENTIFY AND DOCUMENT INACCURACIES IN ATTORNEY CLAPP'S 18 MARCH 1987 LETTER TO MAGISTRATE NIEDERMEIER.			
03/19/87	MJC	1.00	40.00
MEMORANDUM SUMMARIZING INVESTIGATION TO DATE.			
03/20/87	WWP	1.00	100.00
REVIEW ANNOTATED LETTER; REVIEW OPTIONS; TELEPHONE CONFERENCE WITH MR. MCKEARIN.			
03/20/87	RNB	0.70	45.50
FURTHER ANALYSIS OF ATTORNEY CLAPP'S 18 MARCH 1987 LETTER TO MAGISTRATE NIEDERMEIR AND PLAINTIFFS' RESPONSE THERETO.			
03/23/87	WWP	0.20	20.00
REVIEW ITEMS TO BE COVERED IN MEETING WITH ATTORNEY CLAPP.			
03/24/87	RNB	0.50	32.50
LEGAL RESEARCH ON DENIALS UNDER F.R.C.P. 36 (A) AND CASELAW THEREUNDER.			
03/25/87	WWP	0.30	30.00
REVIEW DISCOVERY STATUS REGARDING CITY'S FAILURE TO MAKE MEETING.			
03/25/87	RNB	0.20	13.00
MEMORANDUM TO ATTORNEY PEARSON REGARDING PLAINTIFFS' RESPONSE TO ATTORNEY CLAPP'S 3-18-87 LETTER TO THE MAGISTRATE AND EFFORTS TO DISCUSS DEFENDANT'S INSUFFICIENT RESPONSES TO PLAINTIFFS' REQUESTS FOR ADMISSION.			

03/25/87	MJC	0.30	12.00
TELEPHONE CONFERENCE WITH CLIENT REGARDING STATUS OF MOTIONS TO DIS- MISS.			
03/30/87	WWP	0.50	50.00
REVIEW DISCOVERY OPTIONS.			
04/02/87	RNB	0.50	32.50
DRAFT LETTER TO MAGISTRATE NEIDER- MEIR.			
04/03/87	WWP	1.00	100.00
EVALUATE CITY'S DISCOVERY POSITION; EDIT LETTER TO MAGISTRATE.			
04/07/87	WWP	0.30	30.00
REVIEW MR. CLAPP'S LETTER.			
04/08/87	WWP	0.20	20.00
TELEPHONE CONFERENCE WITH MR. CLAPP'S OFFICE TO SCHEDULE MEETING.			
04/08/87	MJC	0.30	12.00
REVIEW CORRESPONDENCE REGARDING DISCOVERY PROBLEMS.			
04/09/87	WWP	1.50	150.00
PREPARE FOR MEETING WITH MR. CLAPP; CONFERENCE WITH MR. CLAPP.			
04/09/87	RNB	1.30	84.50
PREPARE FOR AND CONFERENCE WITH ATTORNEY CLAPP REGARDING DEFEN- DANT'S RESPONSES TO PLAINTIFFS' REQUESTS FOR ADMISSION.			
04/10/87	RNB	0.40	26.00
CONFERENCE WITH ATTORNEY PEARSON TO DISCUSS PROFESSOR PINDER AS AN EXPERT AND DEFENDANT'S RESPONSES TO PLAINTIFFS' REQUESTS FOR ADMISSION.			

04/21/87	MJC	0.60	24.00
FILE MAINTENANCE.			
04/28/87	MJC	1.80	72.00
ANALYZE NEED FOR WETLAND EXPERT; TELEPHONE CONFERENCE WITH PRINCE- TON FOR EXPERT'S PHONE NUMBERS; TELE- PHONE CONFERENCE WITH ENVIRONMENTAL COMMISSIONER REGARDING STATUS OF LAMOILLE CO. LANDFILL; DRAFT NOTICE OF DEPOSITION FOR HAGAR; CONFIRM WITH FEDERAL COURT REGARDING VALIDITY OF AGED SUBPOENAS.			
04/30/87	MJC	0.80	32.00
TELEPHONE CONFERENCE WITH GEORGE PINDER REGARDING HYDROGEOLOGY; REVIEW FILE REGARDING SAME.			
05/05/87	MJC	0.30	12.00
MEMORANDUM TO ATTORNEY PEARSON REGARDING TELEPHONE CONFERENCE WITH PINDER.			
05/10/87	WWP	0.60	60.00
ANALYZE ATTORNEY FEES ISSUE; REVIEW DEPOSITION NOTICE.			
05/12/87	MJC	0.40	16.00
TELEPHONE CONFERENCE WITH DON BESSETTE REGARDING PROPOSED CON- STRUCTION ON MOTHER'S PROPERTY; MEMORANDUM REGARDING SAME.			
05/13/87	RNB	0.80	52.00
REVIEW MAGISTRATE'S REPORT AND REC- COMMENDATION DATED 12 MAY 1987; PREP- ARATION FOR DEPOSITION OF HAGAR HARDWARE; ANALYSIS OF SETTLEMENT STRATEGIES.			

05/13/87	MJC	0.30	12.00
MEMORANDUM TO ATTORNEY BLAND REGARDING HAGAR DEPOSITION.			
05/14/87	MJC	0.30	12.00
TELEPHONE CONFERENCE WITH ATTORNEY KEYES TO SCHEDULE HAGAR DEPOSITION.			
05/18/87	MJC	0.80	32.00
TELEPHONE CONFERENCE WITH CLIENT REGARDING WINDBLOWN TRASH PROBLEM; MEMORANDUM TO ATTORNEY PEARSON REGARDING SAME; TELEPHONE CONFERENCE WITH ATTORNEY KEYES REGARDING HAGAR DEPOSITION.			
05/25/87	WWP	0.30	30.00
STATUS REVIEW.			
05/26/87	RNB	0.30	19.50
TELEPHONE CONFERENCE WITH ATTORNEY CULLEN REGARDING CITY'S OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATIONS DATED 5-12-87.			
05/27/87	WWP	0.40	40.00
REVIEW MAGISTRATE'S ORDER AND CITY'S APPEAL.			
05/27/87	RNB	0.40	26.00
REVIEW CITY'S OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION DATED 5-12-87.			
06/02/87	MJC	0.50	20.00
ANALYSIS OF CLIENT CONTACT ISSUES; TELEPHONE CONFERENCE WITH ERNEST DAGUE TO SCHEDULE MEETING.			
06/03/87	WWP	0.40	40.00
REVIEW CLIENT PROBLEMS WITH CITY.			

06/03/87	MJC	0.70	28.00
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING PERMISSION TO DEAL WITH GOODKIND FOR BUILDING PERMIT; TELEPHONE CONFERENCE WITH ERNIE DAGUE REGARDING STATUS OF CASE; TELEPHONE CONFERENCE WITH ATTORNEY KEYES REGARDING HAGAR DEPOSITION.			
06/05/87	RNB	0.60	39.00
REVIEW G.E.'S AND WHITING'S RESPONSES TO CITY'S OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION DATED 12 MAY 1987.			
06/05/87	MJC	1.20	48.00
REVIEW MEMORANDA SUPPORTING DISMISSAL OF THIRD-PARTY DEFENDANTS; FILE MAINTENANCE; REVIEW NEWS REGARDING LOCAL LANDFILLING; DRAFT NOTICE FOR HAGAR DEPOSITION.			
06/09/87	WWP	1.00	100.00
REVIEW THIRD PARTY'S RESPONSE TO CITY'S OBJECTION TO MAGISTRATE'S REPORT.			
06/09/87	MJC	0.60	24.00
REVISE HAGAR DEPOSITION NOTICE; TELEPHONE CONFERENCE WITH ATTORNEY KEYES TO CONFIRM DEPOSITION DATE; DRAFT DISCOVERY CERTIFICATE AND LETTER TO COURT.			
06/10/87	WWP	1.30	130.00
CONFERENCE WITH CLIENTS; REVIEW MEMORANDUM REGARDING COMPLIANCE WITH ASSURANCE.			

06/10/87	RNB	1.00	65.00
STATUS CONFERENCE WITH ERNIE DAGUE, JR., AND ERNIE DAGUE, SR.			
06/10/87	MJC	1.60	64.00
*MEETING WITH CLIENTS REGARDING STATUS OF CASE; TELEPHONE CONFERENCE WITH JULIE HACKBARTH REGARDING COMPLIANCE BY CITY WITH TERMS OF LATEST ASSURANCE OF DISCONTINUANCE; MEMORANDUM REGARDING SAME.			
06/11/87	RNB	0.30	19.50
TELEPHONE CONFERENCE WITH ATTORNEY CULLIN REGARDING DEPOSITION OF HAGAR HARDWARE COMPANY.			
06/11/87	MJC	0.30	12.00
REVIEW HAGAR'S OBJECTIONS TO MAGISTRATE'S ORDER; FILE MAINTENANCE.			
06/12/87	MJC	0.50	20.00
EXTENDED TELEPHONE CONFERENCE WITH JULIE HACKBARTH REGARDING CITY COMPLIANCE WITH ASSURANCE OF DISCONTINUANCE.			
06/15/87	MJC	0.60	24.00
MEMORANDUM REGARDING TELEPHONE CONFERENCE WITH JULIE HACKBARTH; PREPARATION FOR HAGAR DEPOSITION.			
06/16/87	RNB	0.60	39.00
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING HIS UNAVAILABILITY FOR DEPOSITION OF HAGAR HARDWARE COMPANY; REVIEW LEGAL ASSISTANT CASE'S MEMORANDUM REGARDING HIS TELEPHONE CONFERENCE WITH JULIE HACKBARTH OF VAEC.			

06/17/87	WWP	0.30	30.00
PREPARE OUTLINE FOR FURTHER WORK TO BE DONE.			
06/18/87	MJC	3.50	140.00
REVIEW VAEC FILES FOR LANDFILL INSPECTION REPORTS, WATER TEST RESULTS, AND RECENT CORRESPONDENCE; MEMORANDUM TO ATTORNEY PEARSON REGARDING SAME.			
06/23/87	MJC	1.20	48.00
REVIEW SETTLEMENT STRATEGY MEMORANDUM AND WORK TO DO IN PREPARATION FOR SETTLEMENT CONFERENCE AND/OR TRIAL; FILE MAINTENANCE.			
06/25/87	RNB	0.40	26.00
LEGAL RESEARCH ON CITIZEN SUITS FOR PAST VIOLATIONS OF CLEAN WATER ACT.			
07/07/87	RNB	1.50	105.00
INITIAL DRAFT OF DEMAND LETTER TO ATTORNEY CLAPP; REVISE SAME.			
07/07/87	MJC	0.40	18.00
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP FOR DEPOSITION DATES; REVIEW CORRESPONDENCE FROM ATTORNEY KEYES REGARDING SAME; LETTER TO ATTORNEY KEYES REGARDING SAME.			
07/08/87	WWP	0.30	34.50
REVIEW OPPOSITION TO AMENDMENT TO THIRD-PARTY COMPLAINT.			
07/08/87	RNB	0.30	21.00
TELEPHONE CONFERENCE WITH ATTORNEY CULLEN REGARDING CITY'S MOTION TO AMEND THIRD-PARTY COMPLAINT.			

07/08/87	MJC	0.30	13.50
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING HAGAR DEPOSITION.			
07/09/87	RNB	0.30	21.00
REVIEW MEMORANDUM IN OPPOSITION TO CITY'S MOTION TO AMEND THIRD-PARTY COMPLAINT.			
07/14/87	WWP	0.40	46.00
REVIEW RECENT FILINGS ON CITY'S MOTION TO AMEND.			
07/28/87	MJC	0.50	22.50
TELEPHONE CONFERENCE WITH ATTORNEY KEYES REGARDING SCHEDULING HAGAR DEPOSITION; MEMORANDUM TO ATTORNEY BLAND REGARDING SAME.			
07/31/87	MJC	0.40	18.00
RENOTICE DEPOSITION OF HAGAR.			
08/03/87	MJC	4.00	180.00
REVIEW AEC WATER TESTS, INSPECTION REPORTS, AND 1986 CORRESPONDENCE; TELEPHONE CONFERENCE WITH WITNESSES FOR FURTHER INFORMATION.			
08/14/87	WWP	0.50	57.50
LETTER TO DR. REED.			
08/16/87	RNB	1.50	105.00
REVIEW HAGAR HARDWARE DOCUMENTS AND DEPOSITIONS OF OTHER THIRD-PARTY DEFENDANTS IN PREPARATION FOR DEPOSITION OF HAGAR HARDWARE.			
08/17/87	WWP	0.50	57.50
TELEPHONE CONFERENCE WITH DR. REED'S OFFICE; ANALYZE STATUS.			

08/18/87	WWP	0.30	34.50
TELEPHONE CONFERENCE WITH DR. FRANK REED.			
08/19/87	WWP	0.80	92.00
REVIEW THIRD-PARTY STRATEGY AND INSURANCE COVERAGE ISSUES; MEMORANDUM ON LANDFILL EMPLOYEES.			
08/19/87	RNB	3.90	273.00
TELEPHONE CONFERENCE WITH ATTORNEY CULLEN REGARDING DEPOSITION OF HAGAR HARDWARE AND INSURANCE COVERAGE FOR THIRD-PARTY DEFENDANTS; PREPARATION FOR AND DEPOSITION OF G. HENRY HAGAR; STATUS REPORT TO ATTORNEY PEARSON.			
08/20/87	WWP	0.80	92.00
REVIEW HAGAR HARDWARE DEPOSITION; CONFERENCE WITH MR. WADHAMS ON THIRD-PARTY STATUS AND SETTLEMENT OPTIONS.			
08/24/87	MJC	0.50	22.50
STATUS LETTER TO CLIENT.			
08/31/87	WWP	0.30	34.50
ANALYZE THIRD-PARTY GENERATOR ISSUES UNDER RCRA.			
09/04/87	RNB	0.40	28.00
REVIEW AND ANALYSIS OF JUDGE BILLINGS' OPINION AND ORDER GRANTING THIRD-PARTY DEFENDANTS' MOTIONS TO DISMISS.			
09/24/87	MJC	0.40	18.00
PLAN FOR FURTHER WORK TO BE DONE ON CASE.			

09/25/87	WWP	1.50	172.50
REVIEW STATUS IN PREPARATION FOR OCTOBER 1 CONFERENCE; CONFERENCE WITH CLIENTS.			
09/28/87	RNB	0.30	21.00
PREPARATION FOR STATUS CONFERENCE AND ANALYSIS OF DISCOVERY MATTERS IN PREPARATION FOR TRIAL.			
09/29/87	WWP	0.80	92.00
OUTLINE REMAINING TASKS; TELEPHONE CONFERENCE WITH COURT.			
09/30/87	MJC	0.30	13.50
PREPARATION FOR PRETRIAL CONFERENCE.			
10/01/87	MJC	0.30	13.50
FILE MAINTENANCE.			
10/05/87	WWP	2.00	230.00
REVIEW EXPERT STATUS; LIST ALL OUTSTANDING MOTIONS; REVIEW CITY'S REQUEST FOR RECONSIDERATION AND ORAL ARGUMENT.			
10/05/87	RNB	0.50	35.00
REVIEW AND ANALYSIS OF CITY'S REQUEST FOR RECONSIDERATION AND ORAL ARGUMENT AND IN THE ALTERNATIVE FOR CERTIFICATION PURSUANT TO 28 U.S.C. SECTION 1292 (B); LEGAL RESEARCH ON APPEALS FROM INTERLOCUTORY DECISIONS.			
10/06/87	WWP	3.50	402.50
PREPARE FOR AND ATTEND STATUS CONFERENCE.			
10/06/87	RNB	3.50	245.00
PREPARATION FOR STATUS CONFERENCE; ANALYSIS OF DISCOVERY MATTERS AND			

AMENDING COMPLAINT FOR VIOLATING LATEST ASSURANCE OF DISCONTINUANCE REGARDING RESOURCE RECOVERY FACILITY PROVISION; DRAFT MOTION FOR SEPARATE TRIALS AND SUPPORTING MEMORANDUM; ATTEND STATUS CONFERENCE.

10/06/87	MJC	0.80	36.00
PREPARATION FOR STATUS CONFERENCE; TRIAL PREPARATION.			
10/07/87	MJC	0.20	9.00
ASSIGNMENT REGARDING DISCOVERY UPDATE.			
10/12/87	WWP	0.50	57.50
ANALYZE MAGISTRATE'S RULINGS.			
10/13/87	RNB	0.40	28.00
LEGAL RESEARCH ON SUBSTITUTION OF PARTIES UNDER F.R.C.P. 25(A).			
10/14/87	WWP	3.40	391.00
CONFERENCE WITH MRS. DAGUE; RESEARCH MOOTNESS ISSUE; ANALYZE SUBSTITUTION OF PARTIES UNDER RULE 25.			
10/15/87	WWP	1.50	172.50
TELEPHONE CONFERENCE WITH CLIENT; OUTLINE ALL ASPECTS OF CASE FOR DISCOVERY, TRIAL PREPARATION AND SETTLEMENT.			
10/15/87	RNB	0.50	35.00
ANALYSIS OF AND PLAN FOR FURTHER DISCOVERY AND INVESTIGATION, SUBSTITUTION OF PARTY, LEGAL RESEARCH UPDATE AND PREPARATION FOR SUBMITTAL OF PROPOSED FINDINGS OF FACT.			

10/15/87	MJC	0.60	27.00
PLAN DISCOVERY STATUS OF CASE FROM PRE-TRIAL HEARING.			
10/16/87	WWP	1.00	115.00
OUTLINE [SIC] CASE STRATEGY IN VIEW OF MAGISTRATE'S DISCOVERY ORDER.			
10/16/87	MJC	0.20	9.00
REVIEW WORK TO BE DONE.			
10/19/87	WWP	2.00	230.00
TELEPHONE CONFERENCE WITH MRS. DAGUE; CONFERENCE WITH MS. DAGUE; REVIEW TERMS OF DEMAND LETTER.			
10/19/87	RNB	3.30	231.00
LEGAL RESEARCH UPDATE UNDER RCRA AND CWA; LEGAL RESEARCH ON MINIMUM REQUIREMENTS FOR RESOURCE RECOVERY FACILITIES UNDER RCRA.			
10/19/87	MJC	2.80	126.00
DRAFT SUPPLEMENTAL INTERROGATORIES AND REQUESTS TO PRODUCE; REVIEW DISCOVERY FILE.			
10/20/87	WWP	1.50	172.50
EDIT DEMAND LETTER; PLAN WORK ASSIGNMENTS FOR NEXT WEEK.			
10/20/87	RNB	0.70	49.00
TELEPHONE CONFERENCE WITH ATTORNEY BOWLES REGARDING OCTOBER 6, 1987 STATUS CONFERENCE BEFORE MAGISTRATE NIEDERMEIER; ANALYSIS OF PROPOSED DEMAND FOR SETTLEMENT, CITY'S OFFER TO PROVIDE MR. DAGUE WITH TOPSOIL, SUPPLEMENTAL DISCOVERY REQUESTS AND PROPOSED FINDINGS OF FACT.			

10/20/87	MJC	1.40	63.00
REVISE SUPPLEMENTAL DISCOVERY REQUESTS; REVIEW DEMAND LETTER TO CITY.			
10/21/87	RNB	0.90	63.00
DRAFT REVISIONS TO AND ANALYSIS OF DEMAND LETTER; LEGAL RESEARCH ON APPLICABILITY OF MINIMUM FEDERAL REQUIREMENTS OF RCRA WHEN STATE HAS AN APPROVED EPA HAZARDOUS WASTE PROGRAM.			
10/21/87	MJC	1.70	76.50
DRAFT PROPOSED FACTS FOR TRIAL.			
10/22/87	WWP	1.50	172.50
ANALYZE TECHNIQUES FOR EXAMINING CITY'S EXPERT WITNESSES; EVALUATE EVIDENCE NEEDED TO PROVE GROUNDWATER CONTAMINATION.			
10/23/87	WWP	1.00	115.00
FURTHER EVALUATE CITY'S EXPERTS' TESTIMONY, INCLUDING IMPACT ON WETLANDS AND METHANE GAS MIGRATION.			
10/23/87	RNB	0.70	49.00
REVIEW AND ANALYSIS OF GENERAL ELECTRIC'S MEMORANDUM IN OPPOSITION TO CITY'S MOTION FOR RECONSIDERATION OR INTERLOCUTORY APPEAL; TELEPHONE CONFERENCE WITH ATTORNEY CAIN REGARDING SAME.			
10/26/87	WWP	0.30	34.50
REVIEW MEMORANDUM IN OPPOSITION TO CITY'S MOTION FOR RECONSIDERATION; ANALYZE RESULTS.			
10/26/87	MJC	1.00	45.00
REVISE PROPOSED FACTS FOR TRIAL.			

10/27/87	WWP	2.80	322.00
REVIEW SUPPLEMENTAL DISCOVERY REQUESTS [SIC]; REVIEW PROPOSED FINDINGS OF FACT.			
10/27/87	MJC	3.60	162.00
REVIEW CITY'S VIOLATIONS OF ASSURANCE OF DISCONTINUANCE; REVIEW CHITTENDEN COURT FILE FOR CITY-STATE LITIGATION; COMPLETE FOURTH SET OF INTERROGATORIES AND REQUESTS TO PRODUCE TO CITY; TRIAL PREPARATION.			
10/28/87	WWP	3.00	345.00
ANALYZE ASSURANCE OF DISCONTINUANCE PROBLEMS; LEGAL RESEARCH ON RESOURCE RECOVERY FACILITIES.			
10/28/87	RNB	1.10	77.00
ANALYSIS OF FEDERAL GUIDELINES FOR RESOURCE RECOVERY FACILITIES AND OF CITY'S COMPLIANCE, OR LACK THEREOF, WITH THE THIRD ASSURANCE OF DISCONTINUANCE.			
10/28/87	MJC	0.20	9.00
LETTER TO CLERK FOR COURT DOCUMENTS.			
10/29/87	WWP	1.20	138.00
REVIEW HAGAR MEMORANDUM IN OPPOSITION TO RECONSIDERATION; REVIEW JUDGE BILLINGS' ORDER; FURTHER ANALYSIS OF ASSURANCE OF DISCONTINUANCE COMPLIANCE; REVISE AHERN LETTER.			
10/29/87	RNB	0.50	35.00
REVIEW OF WHITING COMPANY'S MEMORANDUM OF LAW IN OPPOSITION TO CITY'S MOTION FOR RECONSIDERATION OR			

INTERLOCUTORY APPEAL AND COURT'S ORDER DENYING CITY'S MOTION.			
10/29/87	MJC	1.20	54.00
LETTER TO BILL AHEARN REQUESTING CITY CORRESPONDENCE; TELEPHONE CONFERENCE WITH AHEARN TO SCHEDULE VANR FILE REVIEW.			
10/30/87	WWP	0.50	57.50
FURTHER REVIEW OF CITY'S COMPLIANCE WITH ASSURANCE OF DISCONTINUANCE; LIST ADDITIONAL DATA TO OBTAIN FROM STATE.			
11/02/87	WWP	0.50	57.50
REVIEW PROPOSED FINDINGS AND STATUS OF SETTLEMENT.			
11/02/87	RNB	0.60	42.00
ANALYSIS OF AMENDMENT TO THIRD ASSURANCE OF DISCONTINUANCE AND FEDERAL REGULATIONS FOR CLOSURE OF OPEN DUMPS.			
11/02/87	MJC	4.20	189.00
REVIEW VANR FILES ON LANDFILL; CONFERENCE WITH AHEARN REGARDING SAME; ANALYSIS OF CITY'S COMPLIANCE WITH CLOSE-OUT PLAN.			
11/03/87	WWP	0.30	34.50
TELEPHONE CONFERENCE WITH MRS. DAGUE.			
11/04/87	RNB	0.50	35.00
CONFERENCE WITH MR. BESSETTE TO DISCUSS STATUS OF CASE AND SETTLEMENT DEMAND TO CITY FOR PENDENT STATE CLAIMS.			
11/06/87	WWP	0.50	57.50
CONFERENCE WITH MS. DAGUE.			

11/16/87	RNB	0.20	14.00
TELEPHONE CONFERENCE WITH ATTORNEY CULLEN REGARDING ANTICIPATED TRIAL DATE AND NECESSITY FOR TESTIMONY OF REPRESENTATIVE OF EDLUND COMPANY AT TRIAL.			
11/20/87	RNB	0.40	28.00
STATUS REVIEW OF OUTSTANDING DISCOVERY.			
11/30/87	WWP	0.70	80.50
REVIEW STATUS; TELEPHONE CONFERENCE WITH MR. MCKEARIN.			
11/30/87	RNB	0.80	56.00
STATUS REVIEW OF MATTER, INCLUDING DEMAND LETTER AND OUTSTANDING DISCOVERY, AND NECESSITY TO MOVE FOR A SUBSTITUTION OF PARTIES; TELEPHONE CONFERENCE WITH ATTORNEY MCKEARIN REGARDING SETTLEMENT DEMAND.			
12/01/87	WWP	1.00	115.00
ANALYZE LACK OF RESPONSE FROM CITY; REVIEW AHERN LETTER.			
12/07/87	WWP	0.50	57.50
ANALYZE CITY'S RESPONSE OR LACK THEREOF; REVIEW PARK PLANS AT LANDFILL.			
12/07/87	MJC	0.50	22.50
REVIEW STATUS OF FACT WORK TO BE DONE.			
12/08/87	WWP	1.00	115.00
DRAFT AND EDIT LETTER TO MAGISTRATE.			
12/08/87	RNB	0.30	21.00
REVIEW AND EDIT LETTER TO MAGISTRATE NIEDERMIER.			

12/08/87	MJC	0.20	9.00
TELEPHONE CONFERENCE WITH VANR REGARDING TEMPORARY OPERATING AUTHORITY FOR BURLINGTON LANDFILL.			
12/11/87	WWP	0.60	69.00
REVIEW HEARING NOTICES; REVIEW STATUS ON DISCOVERY.			
12/15/87	MJC	0.30	13.50
TELEPHONE CONFERENCE WITH US EPA FOR PUBLICATION ON RRFS.			
12/16/87	WWP	0.80	92.00
ORGANIZE MATERIALS FOR TOMORROW'S HEARING.			
12/16/87	MJC	0.50	22.50
PREPARATION FOR STATUS-SETTLEMENT HEARING.			
12/17/87	WWP	3.70	425.50
REVIEW ALL ISSUES FOR CONFERENCE WITH MAGISTRATE; TELEPHONE CONFERENCES WITH MRS. DAGUE; CONFERENCE WITH MAGISTRATE AND MR. CLAPP; REVIEW COURT DECISION ON MODIFICATION; TELEPHONE CONFERENCE WITH MAGISTRATE; TELEPHONE CONFERENCES WITH MR. CLAPP.			
12/17/87	RNB	3.70	259.00
ANALYSIS OF PROCEDURAL HISTORY AND DISCOVERY TO DATE, AND THE 1-31-85 ASSURANCE OF DISCONTINUANCE AND AMENDMENT THERETO IN PREPARATION FOR STATUS - SETTLEMENT CONFERENCE BEFORE MAGISTRATE NIEDERMIER; ATTEND SAME.			

12/17/87	MJC	3.80	171.00
PREPARATION FOR HEARING-SETTLEMENT CONFERENCE; REVIEW STATE DOCUMENTS FOR AUTHORITY TO OPERATE WASTE FACILITY; TELEPHONE CONFERENCE WITH VANR REGARDING SAME.			
12/21/87	WWP	0.30	34.50
LIST INVESTIGATION LEADS.			
12/21/87	MJC	0.80	36.00
ANALYSIS OF FACT INVESTIGATION WITH FORMER CITY EMPLOYEES; FILE MAINTENANCE.			
12/22/87	WWP	0.50	57.50
ANALYZE SUBSTITUTION OF PARTIES AND ESTATE PLAN.			
12/28/87	WWP	1.00	115.00
REVIEW CITY'S INTERROGATORIES AND REQUESTS TO PRODUCE; TELEPHONE CONFERENCE WITH MRS. DAGUE; REVIEW PARTY SUBSTITUTION STATUS.			
12/28/87	MJC	0.20	9.00
COPY AND ROUTE SOLID WASTE NEWS RELATING TO CITY.			
12/29/87	RNB	0.30	21.00
REVIEW AND ANALYZE CITY'S INTERROGATORIES AND REQUESTS TO PRODUCE.			
12/30/87	WWP	0.40	46.00
REVIEW TOXIC CONSTITUENTS LISTED BY STATE WITH QUANTITATIVE STANDARDS.			
12/31/87	WWP	1.00	115.00
REVIEW AND ANALYZE CITY RESPONSE TO SETTLEMENT DEMAND AND REQUEST FOR EXTENSION TO ANSWER INTERROGATORIES.			

12/31/87	RNB	3.00	210.00
REVIEW AND ANALYSIS OF CITY'S RESPONSE TO PLAINTIFFS' DEMAND FOR SETTLEMENT AND CITY'S MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFFS' INTERROGATORIES AND REQUESTS TO PRODUCE; LEGAL RESEARCH ON AWARDS OF ATTORNEYS FEES.			
01/05/88	RNB	1.70	119.00
DRAFT MOTION FOR SUBSTITUTION AS PLAINTIFF BY ADMINISTRATRIX OF THE ESTATE OF ERNEST J. DAGUE, II, PROPOSED ORDER AND NOTICE OF HEARING.			
01/05/88	MJC	0.80	36.00
REVIEW INTERROGATORIES FROM DEFENDANT; REVIEW CORRESPONDENCE REGARDING SETTLEMENT; MEMORANDUM TO ATTORNEY BLAND REGARDING DISCOVERY RESPONSES; DRAFT RESPONSES TO INTERROGATORIES AND REQUESTS TO PRODUCE.			
01/07/88	MJC	0.30	13.50
REVIEW DISCOVERY RESPONSES.			
01/08/88	WWP	1.50	172.50
REVIEW SETTLEMENT RESPONSE OPTIONS; LEGAL RESEARCH ON ATTORNEYS FEES.			
01/08/88	RNB	1.30	91.00
ANALYSIS OF ATTORNEY CLAPP'S RESPONSE TO SETTLEMENT DEMAND; LEGAL RESEARCH ON RECOVERY OF PUNITIVE DAMAGES AGAINST A MUNICIPALITY UNDER VERMONT LAW.			
01/11/88	WWP	1.00	115.00
REVIEW CITY'S INTERROGATORIES AND REQUESTS TO PRODUCE.			

01/11/88	RNB	0.70	49.00
TELEPHONE CONFERENCE WITH ATTORNEY CULLEN REGARDING STATUS OF LAWSUIT AND EXPECTED TRIAL DATE; ANALYSIS OF OUTSTANDING DISCOVERY MATTERS, CITY'S RESPONSE TO SETTLEMENT DEMAND, AMENDING THE COMPLAINT, EVIDENCE TO SUPPORT EACH COUNT OF THE COMPLAINT, AND WHETHER PUNITIVE DAMAGES ARE RECOVERABLE AGAINST A MUNICIPALITY UNDER VERMONT LAW.			
01/11/88	MJC	0.30	13.50
REVIEW STATUS OF DISCOVERY.			
01/12/88	WWP	0.20	23.00
TELEPHONE CONFERENCE WITH MR. DAGUE.			
01/13/88	RNB	0.70	49.00
LEGAL RESEARCH ON RECENT JURISPRUDENCE ON AWARD OF ATTORNEYS FEES UNDER CWA.			
01/13/88	MJC	0.30	13.50
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING DOCUMENTS TO BE PRODUCED.			
01/14/88	WWP	3.20	368.00
REVIEW STATUS; CONFERENCE WITH MR. BESSETTE; CONFERENCE WITH MR. DAGUE AND MRS. DAGUE; DOCUMENT REVIEW AT ATTORNEY CLAPP'S OFFICE.			
01/14/88	RNB	4.30	301.00
INSPECTION OF CITY'S FILES IN RESPONSE TO SUPPLEMENTAL INTERROGATORIES AND REQUESTS TO PRODUCE; CONFERENCE WITH ERNIE DAGUE, SR. AND BETTY			

DAGUE TO DISCUSS STATUS OF CASE AND RESPONSE TO CITY'S SETTLEMENT OFFER.			
01/14/88	MJC	3.50	157.50
FILE REVIEW AT ATTORNEYS CLAPP'S OFFICE.			
01/19/88	RNB	1.30	91.00
INITIAL DRAFT OF AMENDED COMPLAINT, MOTION TO AMEND COMPLAINT AND SUPPORTING MEMORANDUM.			
01/26/88	WWP	1.00	115.00
REVIEW MOTION TO AMEND; REVIEW STATUS OF CITY DOCUMENT REQUEST.			
01/26/88	RNB	0.40	28.00
DRAFT REVISIONS TO AMENDED COMPLAINT AND MOTION TO AMEND COMPLAINT.			
01/28/88	WWP	3.00	345.00
REVIEW DISCOVERY; REVIEW AND EDIT MOTION TO AMEND AND MEMORANDUM; OUTLINE MOTION AND SUPPORTING MEMORANDUM FOR PARTIAL SUMMARY JUDGMENT; REVIEW CITY'S ADMISSIONS; OUTLINE RESPONSE TO CITY OFFER LETTER; CHECK STATUS ON RRF REGULATIONS.			
01/28/88	RNB	2.50	175.00
ANALYSIS OF DISCOVERY AND PLAN FURTHER INVESTIGATION; ANALYZE AMENDED COMPLAINT AND NECESSITY FOR MOVING FOR PARTIAL SUMMARY JUDGMENT, RESPONSE TO CITY'S SETTLEMENT OFFER, AND TRIAL STRATEGY; REVIEW OF PLEADINGS IN STATE OF VERMONT V. CITY OF BURLINGTON LAWSUIT; REVIEW NEWSPAPER ARTICLES FOR STATEMENTS MADE BY CITY EMPLOYEES			

REGARDING THE LANDFILL; REVIEW AND ANALYSIS OF CITY'S RESPONSES TO REQUESTS FOR ADMISSION IN PREPARATION FOR MOVING FOR PARTIAL SUMMARY JUDGMENT.

01/28/88	MJC	3.80	171.00
PREPARATION FOR FILING MOTION FOR PARTIAL SUMMARY JUDGMENT TO CLOSE LANDFILL; REVIEW COURT FILES REGARDING AMENDMENTS TO ASSURANCE OF DISCONTINUANCE, LEGAL MEMORANDA REGARDING CIVIL-CRIMINAL PENALTIES; REVIEW NEWS FILES REGARDING REPRESENTATIONS BY CITY REGARDING LANDFILLING AT NEW SITE; REVIEW CITY RECORDS REGARDING SAME.			
01/29/88	MJC	0.50	22.50
TELEPHONE CONFERENCE WITH CHITTENDEN COURT REGARDING AMENDMENTS TO ASSURANCE OF DISCONTINUANCE; TELEPHONE CONFERENCE WITH EPA FOR RRF PUBLICATIONS.			
01/30/88	RNB	2.50	175.00
REVIEW AND ANALYZE PLEADINGS, MEMORANDA IN SUPPORT OF AND IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION, MAGISTRATE'S REPORT AND RECOMMENDATION AND OPINION AND ORDER OF JUDGE BILLINGS IN PREPARATION FOR MOVING FOR PARTIAL SUMMARY JUDGMENT.			
02/01/88	WWP	2.70	310.50
ANALYZE ISSUES UNDER 42 USC SECTION 6945 FOR BASIS OF SUMMARY JUDGMENT MOTION; EVALUATE CITY'S LIKELY CONTENTION OF ASSURANCE COMPLIANCE;			

ANALYZE CITY'S OFFER REGARDING ATTORNEYS FEES.

02/01/88	RNB	2.50	175.00
ANALYSIS OF 42 U.S.C. SECTION 6945(A); BEGIN DRAFTING MOTION FOR PARTIAL SUMMARY JUDGMENT AND SUPPORTING MEMORANDUM OF LAW.			
02/01/88	MJC	1.50	67.50
REVIEW AND ANALYZE RESOURCE RECOVERY INFORMATION PUBLISHED BY US GOVERNMENT.			
02/02/88	WWP	0.60	69.00
TELEPHONE CONFERENCE WITH MR. JARVIS; REVIEW HEARING NOTES.			
02/02/88	RNB	1.80	126.00
CONTINUE DRAFTING MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT; REVIEW NOTES OF 12-17-87 STATUS CONFERENCE BEFORE MAGISTRATE NIEDERMEIR.			
02/03/88	WWP	2.00	230.00
ANALYZE AND EDIT MOTION FOR PARTIAL SUMMARY JUDGMENT; ANALYZE CONTENTS OF RESPONSE LETTER.			
02/03/88	WWP	0.30	34.50
REVIEW STATUS OF FACT INVESTIGATION.			
02/03/88	RNB	2.30	161.00
ANALYSIS OF CITY'S EFFORTS OF RESOURCE RECOVERY AND ITS PURSUITS OF LONG TERM DISPOSAL OPTIONS UNDER THE JANUARY 31, 1985 ASSURANCE OF DISCONTINUANCE; FURTHER ANALYSIS OF ARGUMENTS IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT; REVISE MEMORANDUM OF LAW IN SUPPORT OF			

MOTION FOR PARTIAL SUMMARY JUDGMENT.

02/03/88	MJC	1.00	45.00
ANALYSIS OF FACTUAL BASIS FOR MOTION FOR PARTIAL SUMMARY JUDGMENT; INVESTIGATION ASSIGNMENT REGARDING SAME.			
02/04/88	WWP	0.40	46.00
REVIEW MATTERS TO BE RAISED WITH MAGISTRATE.			
02/04/88	MJC	1.00	45.00
TELEPHONE CONFERENCE WITH EPA REGARDING OPEN DUMP INVENTORY; COPY DOCUMENTS REFERRED TO IN VANR LETTER; ROUTE TO ATTORNEY PEARSON.			
02/05/88	MJC	0.50	22.50
TELEPHONE CONFERENCE WITH GOOD-KIND REGARDING COMBINED SEWER OVERFLOW STUDY; TELEPHONE CONFERENCE WITH EPA REGARDING INVENTORY OF OPEN DUMPS.			
02/08/88	WWP	1.50	172.50
ANALYZE CITY'S RECYCLING PROGRAM; TELEPHONE CONFERENCE WITH MR. CLAPP; REVIEW COURT HEARING ORDER.			
02/08/88	RNB	1.00	70.00
ANALYSIS OF CITY'S RECYCLING PROGRAM UNDER THE JANUARY 31, 1985 ASSURANCE OF DISCONTINUANCE AND THE SEPTEMBER 1, 1987 AMENDMENT THERETO; ANALYZE RESPONSE TO CITY'S OFFER OF SETTLEMENT AND INTERROGATORIES AND REQUESTS TO PRODUCE AND TO FILING MOTION TO AMEND COMPLAINT, AMENDED COMPLAINT AND MOTION FOR PARTIAL SUMMARY JUDGMENT.			

02-09-88	WWP	1.50	172.50
REVIEW EPA WETLAND PROTECTION FOR BURLINGTON INTERVALE; REVIEW PENDING MOTIONS; LETTER TO MR. CLAPP.			
02-09-88	RNB	0.90	63.00
ANALYSIS OF PLAINTIFF RESPONSE TO THE CITY'S OFFER; REVIEW, ANALYSIS AND EDIT LETTER TO ATTORNEY CLAPP.			
02-09-88	MJC	0.30	13.50
REVIEW EPA NEWS REGARDING INTERVALE; TELEPHONE CONFERENCE WITH EPA REGARDING OPEN DUMP INVENTORY; STATUS CONFERENCE REGARDING UPCOMING HEARING ON MOTIONS.			
02-10-88	WWP	4.20	483.00
PREPARE FOR AND ATTEND STATUS CONFERENCE; TWO TELEPHONE CONFERENCES WITH CLIENT; CONFERENCE WITH CLIENTS.			
02-10-88	RNB	5.30	371.00
PREPARATION FOR AND ATTEND PRE-TRIAL CONFERENCE AND HEARING ON MOTIONS FOR SUBSTITUTION AND TO EXTEND TIME; SERVICE AND FILING OF MOTION FOR PARTIAL SUMMARY JUDGMENT, MOTION TO AMEND COMPLAINT AND AMENDED COMPLAINT; REVIEW AND ANALYSIS OF CITY'S MOTION FOR SUMMARY JUDGMENT AND SUPPORTING MEMORANDUM; MEMORANDUM TO FILE; CONFERENCE WITH MR. DAGUE AND MRS. DAGUE REGARDING PRE-TRIAL CONFERENCE AND SETTLEMENT.			
02-10-88	MJC	1.40	63.00
PREPARATION FOR HEARING; INDEX PLEADINGS; REVIEW MOTION FOR PARTIAL SUMMARY JUDGMENT.			

02-11-88	WWP	0.30	34.50
TELEPHONE CONFERENCE WITH MR. CLAPP'S OFFICE.			
02-12-88	RNB	0.30	21.00
LEGAL RESEARCH OF U.S. SUPREME COURT'S RULING IN GWALTNEY CASE IN PREPARATION FOR RESPONDING TO CITY'S MOTION FOR SUMMARY JUDGMENT.			
02-12-88	MJC	0.30	13.50
TELEPHONE CONFERENCE WITH EPA, REGARDING LIST OF OPEN DUMPS; MEMORANDUM TO ATTORNEY PEARSON REGARDING SAME.			
02-16-88	MJC	0.20	9.00
REVIEW NEWS REPORTS ON CITY RECYCLING EFFORTS.			
02-17-88	WWP	0.60	69.00
TELEPHONE CONFERENCE WITH MR. CLAPP'S OFFICE; REVIEW EPA INFORMATION REQUESTS.			
02-17-88	RNB	0.40	28.00
ANALYSIS OF RESPONDING TO CITY'S INTERROGATORIES AND REQUESTS TO PRODUCE AND CITY'S MOTION FOR SUMMARY JUDGMENT, AND PREPARATION FOR FINAL PRE-TRIAL ORDER.			
02-18-88	MJC	0.20	9.00
REVISE INFORMATION REQUEST; LETTER TO EPA.			
02-25-88	WWP	1.80	207.00
REVIEW DOCUMENTS FROM FEDERAL AND STATE AGENCIES; ORGANIZE PRE-TRIAL PREPARATION.			

02-25-88	RNB	1.30	91.00
LEGAL RESEARCH ON LOCAL RULE 6 OF CIVIL PROCEDURE IN PREPARATION FOR PREPARING JOINT PRETRIAL CONFERENCE ORDER WITH STIPULATION OF FACTS; ANALYSIS OF RESPONSE TO CITY'S INTERROGATORIES AND REQUESTS TO PRODUCE AND CITY'S MOTION FOR SUMMARY JUDGMENT; ANALYSIS OF SETTLEMENT POSTURE.			
02-26-88	WWP	1.50	172.50
REVIEW PRETRIAL ORDER ELEMENTS; LETTER TO MR. CLAPP; TELEPHONE CONFERENCE WITH MR. CLAPP'S OFFICE.			
02-26-88	RNB	2.30	161.00
DRAFT LETTER TO ATTORNEY CLAPP REGARDING JOINT PRE-TRIAL CONFERENCE ORDER; CURSORY REVIEW OF ENTIRE FILE AND COMPILATION AND ORGANIZATION OF DOCUMENTS IN PREPARATION FOR DRAFTING PROPOSED FINAL PRE-TRIAL ORDER.			
02-27-88	RNB	10.80	756.00
BEGIN DRAFT OF PROPOSED FINAL PRE-TRIAL ORDER, INCLUDING STATEMENT OF NATURE OF CASE, AMENDMENT TO THE PLEADINGS, STIPULATIONS AS TO PROPER VENUE, JURISDICTION OF THE PARTIES AND SUBJECT MATTER, UNCONTESTED FACTS AND ADMISSION OF EXHIBITS, LAW GOVERNING THE CASE, AND AUTHENTICITY OF DOCUMENTS, ISSUES OF LAW AND LIST OF PLAINTIFFS' WITNESSES.			
02-28-88	WWP	0.50	57.50
REVIEW PROGRESS ON PRETRIAL ORDER.			

02-28-88	RNB	11.70	819.00
CONTINUE DRAFTING STIPULATION OF FACTS REGARDING FEDERAL CLAIMS, WITH SUPPORTING CITATIONS, FOR PROPOSED FINAL PRE-TRIAL ORDER.			
02-29-88	WWP	0.80	92.00
TELEPHONE CONFERENCE WITH MR. CLAPP; STATUS REVIEW OF PRETRIAL ORDER.			
02-29-88	RNB	3.30	231.00
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING CITY'S SETTLEMENT OFFER AND TO SCHEDULE EXCHANGES OF DRAFT FINAL PRE-TRIAL ORDERS; FINISH DRAFTING STIPULATION OF FACTS REGARDING FEDERAL CLAIMS FOR PROPOSED FINAL PRE-TRIAL ORDER; PREPARATION FOR DRAFTING STIPULATION OF FACTS REGARDING PENDENT STATE CLAIMS.			
03-01-88	RNB	7.30	511.00
DRAFT ADDITIONAL STIPULATION OF FACTS REGARDING FEDERAL CLAIMS WITH SUPPORTING CITATIONS; DRAFT STIPULATION OF FACTS REGARDING PENDENT STATE CLAIMS WITH SUPPORTING CITATIONS, DOCUMENTATION AND EXHIBITS; REVIEW, EDIT AND PROOFREAD SAME.			
03-01-88	MJC	2.80	126.00
REVIEW PROPOSED FACTS; PREPARE DOCUMENTS FOR FILING AS EXHIBITS IN SUPPORT OF FACTS; REVIEW FILE FOR FACT DOCUMENTS.			
03-02-88	RNB	8.80	616.00
LETTER TO ATTORNEY CLAPP REGARDING PROPOSED FINAL PRETRIAL ORDER; DRAFT			

ADDITIONAL STIPULATION OF FACTS REGARDING PENDENT STATE CLAIMS; COMPILATION OF DOCUMENTS FOR STIPULATION AS TO THEIR ADMISSION OR AUTHENTICITY; FINAL EDIT AND PROOF-READ OF PLAINTIFFS' PROPOSED FINAL PRETRIAL ORDER AND STIPULATION OF FACTS.

03-02-88	MJC	5.20	234.00
COMPILE DOCUMENTS FOR SUBMITTAL IN SUPPORT OF PROPOSED FACTS; REVIEW PROPOSED FACTS REGARDING STATE CLAIMS.			
03-04-88	RNB	7.30	511.00
DRAFT SYNOPSIS OF PLAINTIFFS' CONTENTIONS AND THEORIES OF RECOVERY FOR PROPOSED FINAL PRE-TRIAL ORDER; DRAFT GENUINE ISSUES OF MATERIAL FACT SECTION OF PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT.			
03-04-88	MJC	2.00	90.00
REVIEW FACT DOCUMENTS FOR PRE-TRIAL STIPULATION.			
03-05-88	WWP	0.70	80.50
REVIEW INTERROGATORIES AND REQUESTS TO PRODUCE.			
03-05-88	RNB	10.60	742.00
DRAFT ARGUMENTS REFUTING APPLICABILITY OF MOOTNESS DOCTRINE TO PLAINTIFFS' CLAIMS UNDER RCRA AND THE CWA FOR PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT; ANALYSIS OF AND REVISE PLAINTIFFS' MEMORANDUM			

IN OPPOSITION TO DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT.

03-06-88	WWP	3.50	402.50
REVIEW ANSWERS TO INTERROGATORIES AND REQUESTS TO PRODUCE; ANALYSIS OF RESPONSE TO MOTION FOR SUMMARY JUDGMENT; REVIEW DRAFT PRE-TRIAL ORDER AND ATTACHMENTS.			
03-06-88	RNB	7.00	490.00
LETTER TO CLERK OF U.S. DISTRICT COURT REGARDING PLAINTIFFS' LOCAL RULE STATEMENT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT; COMPILATION OF DOCUMENTS FOR STIPULATION AS TO AUTHENTICITY IN PREPARATION FOR CON- FERENCE WITH ATTORNEY CLAPP REGARD- ING PROPOSED FINAL PRE-TRIAL ORDER; REVIEW PHOTOGRAPHS WHICH PLAIN- TIFFS INTEND TO OFFER AS EVIDENCE AT TRIAL; DRAFT PLAINTIFFS' RESPONSES TO CITY'S INTERROGATORIES AND REQUESTS TO PRODUCE; FILE ORGANIZATION OF LEGAL RESEARCH.			
03-06-88	MJC	2.50	112.50
COMPILE AND REVIEW FACT DOCUMENTS REGARDING STATE CLAIMS FOR PRE-TRIAL STIPULATION.			
03-07-88	WWP	2.40	276.00
READ CITY'S PROPOSED PRE-TRIAL ORDER; TELEPHONE CONFERENCE WITH MR. DAGUE; REVIEW STATUS OF PRE-TRAIL ORDER; MEMORANDUM TO FILE.			
03-07-88	RNB	2.40	168.00
FINAL EDIT AND PROOFREAD OF PLAIN- TIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY			

JUDGMENT; SERVICE AND FILING OF SAME;
SERVICE AND FILING OF PLAINTIFFS'
STATEMENT IN SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGMENT; TELE-
PHONE CONFERENCE WITH ATTORNEY
MCKEARIN REGARDING MEETING TO PRE-
PARE JOINTLY PROPOSED FINAL PRETRIAL
ORDER; SERVICE AND FILING OF PLAIN-
TIFFS' RESPONSES TO DEFENDANT'S INTER-
ROGATORIES AND REQUESTS TO PRODUCE;
REVIEW AND ANALYSIS OF DEFENDANT'S
PROPOSED FINAL PRETRIAL ORDER; PREPA-
RATION FOR COUNSEL'S CONFERENCE
REGARDING PROPOSED FINAL PRETRIAL
ORDER.

03-07-88	MJC	2.00	90.00
DRAFT RESPONSES TO REQUESTS TO PRO- DUCE; PREPARATION FOR CONFERENCE ON STIPULATED FACTS.			
03-08-88	WWP	4.40	506.00
PREPARE FOR CONFERENCE WITH MR. CLAPP; CONFERENCE WITH MR. CLAPP AND MR. MCKEARIN AT DINSE, ERDMANN AND CLAPP; TELEPHONE CONFERENCES WITH COURT; TELEPHONE CONFERENCE WITH DR. REED.			
03-08-88	RNB	9.60	672.00
COMPILATION AND REVIEW OF DOCU- MENTS, MAPS AND PHOTOGRAPHS FOR STIPULATION AS TO ADMISSIBILITY OR AS TO AUTHENTICITY; PREPARATION FOR AND ATTEND COUNSELS' CONFERENCE REGARDING PROPOSED FINAL PRETRIAL ORDER; TELEPHONE CONFERENCE WITH			

ATTORNEY CLAPP REGARDING STIPULATION OF DOCUMENTS; TELEPHONE CONFERENCE WITH ATTORNEY MCKEARIN REGARDING EXHIBITS PREVIOUSLY ADMITTED; FOLLOW-UP TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING SAME; EXTENDED TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING STIPULATION OF FACTS; DRAFT REVISIONS TO PROPOSED FINAL PRETRIAL ORDER; LEGAL RESEARCH ON EVIDENCE ADMITTED DURING PRELIMINARY INJUNCTION HEARING.

03-08-88 MJC 7.40 333.00
PREPARATION FOR CONFERENCE WITH OPPOSING COUNSEL TO STIPULATE FACTS AND DOCUMENTS.

03-09-88 — WWP 5.50 632.50
REVIEW PRE-TRIAL ORDER WITH ATTORNEY CLAPP INCLUDING ORDER, STIPULATION OF FACTS, CONCLUSIONS OF LAW AND EXHIBITS.

03-09-88 RNB 9.30 — 651.00
PREPARATION FOR AND ATTEND CONTINUATION OF COUNSELS' CONFERENCE ON PROPOSED FINAL PRETRIAL ORDER; REVISE PROPOSED FINAL PRETRIAL ORDER, INCLUDING STIPULATION OF FACTS AND ISSUES OF FACT SECTIONS, IN LIGHT OF COUNSELS' CONFERENCE; REVIEW WITH ATTORNEY CLAPP; ANALYSIS OF PROPOSED FINAL PRETRIAL ORDER.

03-09-88 MJC 1.20 54.00
PREPARATION FOR MEETING WITH OPPOSITE COUNSEL TO STIPULATE FACTS AND

DOCUMENTS; MEETING WITH ATTORNEY CLAPP ON PROPOSED PRE-TRIAL ORDER.

03-23-88 RNB 1.00 70.00

ANALYSIS OF CITY'S MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM IN OPPOSITION THERETO, AND PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND STIPULATION OF FACTS IN PROPOSED FINAL PRE-TRIAL ORDER IN PREPARATION FOR HEARING.

03-25-88 RNB 0.80 56.00

REVIEW AND ANALYSIS OF DEFENDANT'S STATEMENT OF FACTS IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, DEFENDANT'S MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND ACCOMPANYING AFFIDAVIT OF JONATHAN LASH IN PREPARATION FOR HEARING ON MOTIONS FOR SUMMARY JUDGMENT.

03-28-88 WWP 3.50 402.50

PREPARE FOR AND ATTEND HEARING ON PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND DEFENDANT'S MOTION FOR SUMMARY JUDGMENT.

03-28-88 RNB 5.20 364.00

DRAFT LIST OF ISSUES OF FACT SUBJECT TO CITY'S CONFIRMATION AND ISSUES OF FACT FOR RESOLUTION BY THE COURT; ANALYSIS OF SAME; PREPARATION FOR AND ATTEND HEARING ON PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND DEFENDANT'S MOTION FOR SUMMARY JUDGMENT.

03-29-88 WWP 0.50 57.50
READ CITY ANNUAL REPORT.

03-29-88	MJC	0.30	13.50
REVIEW CITY DISCLOSURES OF LANDFILL- ING LITIGATION IN ANNUAL REPORT.			
04-06-88	RNB	0.50	35.00
REVIEW AND ANALYSIS OF CITY'S 1987 ANNUAL REPORT.			
04-12-88	MJC	0.50	22.50
FILE MAINTENANCE.			
04-15-88	WWP	0.20	23.00
CHECK ON CITY RESPONSE TO DISCOVERY CONFIRMATIONS.			
04-15-88	RNB	0.40	28.00
DRAFT LETTER TO ATTORNEY CLAPP REGARDING ISSUES OF FACT SUBJECT TO HIS CONFIRMATION AND STIPULATION OF DOCUMENTS AS TO THEIR ADMISSION OR AUTHENTICITY.			
04-18-88	WWP	0.60	69.00
ARRANGE FOR PROF. REED PAYMENT; REVIEW AND ANALYZE CITY'S MOTION FOR SEPARATE TRIALS.			
04-18-88	RNB	0.70	49.00
REVIEW AND ANALYSIS OF CITY'S MOTION FOR SEPARATE TRIALS AND MEMORAN- DUM OF LAW.			
04-19-88	RNB	2.10	147.00
INITIAL DRAFT OF MEMORANDUM IN OPPOSITION TO MOTION FOR SEPARATE TRIALS; REVISE SAME.			
04-20-88	WWP	0.50	57.50
REVIEW AND ANALYZE MAGISTRATE'S DECISION.			

04-20-88	RNB	0.60	42.00
REVIEW AND ANALYSIS OF THE MAGIS- TRATE'S REPORT AND RECOMMENDATION ON THE PARTIES' MOTIONS FOR PARTIAL SUMMARY JUDGMENT.			
04-20-88	MJC	1.20	54.00
TELEPHONE CONFERENCE WITH COURT FOR TAPE OF TESTIMONY; REVIEW TAPES OF DAGUE AND OGDEN TESTIMONY; MEMO TO ATTORNEY BLAND REGARDING SAME; TELEPHONE CONFERENCE WITH EPA, FED- ERAL INFORMATION SERVICE, FOR RCRA INVENTORY OF OPEN DUMPS.			
04-21-88	MJC	0.30	13.50
TELEPHONE CONFERENCE WITH RCRA HOTLINE FOR OPEN DUMP INVENTORY.			
04-25-88	WWP	0.80	92.00
REVIEW AND ANALYZE ATTORNEY FEE PROVISION UNDER RCRA.			
04-26-88	RNB	0.20	14.00
SERVICE AND FILING OF PLAINTIFFS' MEM- ORANDUM IN OPPOSITION TO MOTION FOR SEPARATE TRIALS.			
04-27-88	MJC	0.20	9.00
REVIEW NEWS REGARDING COMPOSTING PROJECT.			
04-28-88	RNB	0.30	21.00
REVIEW TRANSCRIPT OF ERNEST DAGUE, JR.'S TESTIMONY AT HEARING FOR PRELIM- INARY INJUNCTION.			
04-28-88	MJC	1.00	45.00
FURTHER REVIEW OF ERNEST DAGUE, JR.'S TESTIMONY.			

05-03-88	RNB	2.70	189.00
LEGAL RESEARCH ON FEDERAL ENVIRONMENTAL STATUTORY REMEDIES.			
05-09-88	WWP	0.30	34.50
REVIEW TRESPASS PROBLEM AT CLIENT'S PROPERTY.			
05-10-88	RNB	0.30	21.00
TELEPHONE CONFERENCE WITH MR. DAGUE REGARDING CITY'S TRESPASS ON HIS PROPERTY.			
05-19-88	RNB	0.30	21.00
ASSIGNMENTS TO LEGAL ASSISTANT CASE REGARDING CITY'S TRESPASS ON ERNIE DAGUE, SR.'S PROPERTY AND TRANSCRIPTION OF JAMES OGDEN'S TESTIMONY DURING PRELIMINARY INJUNCTION HEARING IN PREPARATION FOR TRIAL.			
05-19-88	MJC	0.50	22.50
ANALYSIS OF NEW FACT ISSUES REGARDING TRESPASS BY CITY; DETERMINATION OF SCOPE OF OGDEN TESTIMONY NEEDED AT TRIAL.			
05-20-88	WWP	0.50	57.50
ANALYZE COURT'S GRANTING SEPARATE TRIAL MOTION.			
05-20-88	RNB	0.50	35.00
REVIEW AND ANALYSIS OF JUDGE BILLINGS' ORDER REGARDING DEFENDANT'S MOTION FOR SEPARATE TRIALS.			
05-23-88	MJC	1.00	45.00
EDIT PARTIAL TRANSCRIPT OF OGDEN TESTIMONY; REVIEW COURT LOG AND ORDER COMPLETE OGDEN TESTIMONY TRANSCRIPT.			

05-26-88	WWP	0.20	23.00
READ PRE-TRIAL CONFERENCE ORDER.			
05-31-88	WWP	2.00	230.00
TELEPHONE CONFERENCE WITH COURT; REVIEW WITNESS AVAILABILITY, PREPARE FOR TRIAL; OUTLINE TASKS; REVIEW TAPE TRANSCRIPTIONS; ARRANGE FOR MEETING WITH CLIENT.			
06-01-88	WWP	1.00	115.00
REVIEW TRIAL PREPARATION OUTLINE, TRANSCRIPT PREPARATION, LEGAL RESEARCH UPDATE AND DOCUMENTS.			
06-01-88	RNB	0.20	14.00
ASSIGNMENT TO LEGAL ASSISTANT CASE REGARDING THE TRANSCRIPTION OF TESTIMONY OF ERNEST DAGUE, JR. AND JAMES OGDEN IN PREPARATION FOR TRIAL.			
06-01-88	MJC	0.40	18.00
ARRANGE FOR TRANSCRIPTION OF DAGUE AND OGDEN TESTIMONY.			
06-06-88	MJC	0.50	22.50
PREPARATION FOR PRE-TRIAL CONFERENCE AND CLIENT INTERVIEW.			
06-07-88	WWP	0.20	23.00
REVIEW CHANGE IN HEARING DATE.			
06-07-88	RNB	0.30	21.00
LEGAL RESEARCH ON RECOVERABILITY OF PENALTIES FOR PAST CLEAN WATER ACT VIOLATION IN CITIZEN SUITS.			
06-07-88	MJC	4.20	189.00
REVIEW AND EDIT DAGUE AND OGDEN TRANSCRIPTS; TELEPHONE CONFERENCE WITH CLIENT TO SCHEDULE PRETRIAL MEETING.			

06-08-88	MJC	1.00	45.00
EDIT TRANSCRIPT OF OGDEN AND DAGUE TESTIMONY.			
06-13-88	MJC	0.30	13.50
TWO TELEPHONE CONFERENCES WITH CLIENT TO SCHEDULE PRE-TRIAL CONFERENCE MEETING.			
06-22-88	RNB	0.80	56.00
MEMORANDUM TO ATTORNEY PEARSON REGARDING PRE-TRIAL CONFERENCE; COMPILE DOCUMENTS FOR PRE-TRIAL CONFERENCE.			
06-23-88	WWP	1.00	115.00
CONFERENCE WITH CLIENTS.			
06-23-88	RNB	1.70	119.00
PREPARATION FOR AND CONFERENCE WITH ERNIE DAGUE, SR. AND BETTY DAGUE REGARDING PRE-TRIAL CONFERENCE, SEVERANCE OF FEDERAL CLAIMS AND PENDENT STATE CLAIMS AND SETTLEMENT.			
07-01-88	WWP	2.00	230.00
TELEPHONE CONFERENCE WITH COURT; REVIEW PRE-TRIAL CORRESPONDENCE WITH CITY; REVIEW TASK LIST TO BE COMPLETED FOR PRE-TRIAL CONFERENCE; CHECK LOCAL RULES APPLICABLE TO CONFERENCE.			
07-04-88	WWP	5.50	632.50
PREPARE FOR PRE-TRIAL CONFERENCE BY REVIEWING PRE-TRIAL ORDER FILED WITH MAGISTRATE, EXHIBITS, DISPUTED FACTS, PROOFREAD DOCUMENTS FOR EXHIBITS, PHOTOGRAPHS, MAPS, PARTIAL SUMMARY JUDGMENT MOTIONS, MAGISTRATE'S			

ORDER, REQUESTS TO ADMIT AND ANSWERS AND TRANSCRIPTS [sic]; DISCUSS PRE-TRIAL STRATEGY.			
07-04-88	RNB	2.60	182.00
PREPARATION FOR PRE-TRIAL CONFERENCE; COMPILE MAPS, PHOTOGRAPHS AND DOCUMENTS TO BE MARKED AS EXHIBITS.			
07-05-88	WWP	6.50	747.50
PRE-TRIAL CONFERENCE IN RUTLAND; OUTLINE TASKS FOR TRIAL; REVIEW TRANSCRIPT STATUS.			
07-05-88	RNB	5.40	378.00
PREPARATION FOR AND ATTEND PRE-TRIAL CONFERENCE; ANALYSIS OF ADMISSIBILITY OF EXHIBITS ADMITTED DURING HEARING ON MOTION FOR PRELIMINARY INJUNCTION.			
07-05-88	RAM	0.50	25.00
ANALYZE ADMISSIBILITY OF EVIDENCE AT PRELIMINARY INJUNCTION HEARING FOR TRIAL.			
07-05-88	MJC	1.00	45.00
EDIT ERNIE DAGUE, JR. AND JAMES OGDEN TRANSCRIPTS FROM HEARINGS ON MOTION FOR PRELIMINARY INJUNCTION.			
07-06-88	WWP	0.80	92.00
REVIEW OGDEN AND DAGUE TRANSCRIPT STATUS; REVIEW PROGRESS ON MEMORANDA REQUESTED [sic] BY COURT.			
07-06-88	MJC	4.20	189.00
ORGANIZE FILE IN PREPARATION FOR PRE-TRIAL WORK; REVIEW HEARING TAPES AND EDIT OGDEN TRANSCRIPT.			

07-08-88	RNB	0.40	28.00
REVIEW AND PROOFREAD TRANSCRIPT OF ERNEST DAGUE, JR.'S TESTIMONY AT HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION.			
07-11-88	WWP	0.60	69.00
TELEPHONE CONFERENCE WITH MR. CAIN; REVIEW DAGUE AND OGDEN TRANSCRIPT STATUS.			
07-11-88	RNB	2.20	154.00
CONTINUE TO REVIEW AND PROOFREAD TRANSCRIPT OF JAMES OGDEN'S TESTIMONY AT HEARINGS ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION.			
07-12-88	WWP	2.70	310.50
REVIEW ERNIE DAGUE, JR. AND JIM OGDEN TRANSCRIPTS; ANALYZE ISSUES REGARDING CITY OPERATING LANDFILL WITHOUT LAWFUL AUTHORITY.			
07-12-88	RNB	3.80	266.00
ANALYSIS OF ACT NO. 78, SECTION 20; BEGIN DRAFTING MOTION FOR PARTIAL SUMMARY JUDGMENT AND SUPPORTING MEMORANDUM OF LAW.			
07-13-88	WWP	1.50	172.50
FURTHER ANALYSIS OF MEMORANDUM CLAIMING CITY OPERATES LANDFILL WITHOUT LEGAL AUTHORITY.			
07-13-88	RNB	3.20	224.00
LETTER TO ATTORNEY CLAPP REGARDING TAPES AND TRANSCRIPTS OF ERNEST DAGUE, JR.'S AND JAMES OGDEN'S TESTIMONY AT HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION; FURTHER ANALYSIS OF TRANSITIONAL			

OPERATION AUTHORIZATION ISSUED TO CITY'S LANDFILL AND ACT NO. 78, SECTION 20 AND 10 V.S.A. SECTION 6605A; CONTINUE DRAFTING MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT; REVISE AND PROOFREAD SAME.

07-13-88	RAM	1.60	80.00
BEGIN LEGAL RESEARCH CONCERNING WHETHER EVIDENCE ADMITTED AT PRELIMINARY INJUNCTION HEARING IS AUTOMATICALLY ADMISSIBLE AT TRIAL.			
07-13-88	MJC	2.00	90.00
REVIEW TRANSCRIPTS OF PRELIMINARY INJUNCTION HEARING TESTIMONY REGARDING ADMISSION OF CITY EXPERT'S REPORTS; EDIT SAME.			
07-14-88	WWP	1.00	115.00
FURTHER ANALYSIS OF MEMORANDUM CLAIMING THAT THE CITY OF BURLINGTON IS OPERATING ITS LANDFILL WITHOUT LEGAL AUTHORITY; REVIEW STATUS OF DEPOSITION.			
07-14-88	RAM	0.80	40.00
LEGAL RESEARCH OF RULE 65(A)(2) AND CASE AUTHORITY WHICH WOULD SUPPORT PROPOSITION THAT EVIDENCE ADMITTED AT PRELIMINARY INJUNCTION HEARING IS AUTOMATICALLY ADMISSIBLE AT TRIAL.			
07-14-88	MJC	0.80	36.00
TELEPHONE CONFERENCE WITH FEDERAL COURT FOR NEW COPY OF DEFECTIVE TAPE; EDIT TRANSCRIPT OF MOREAU TESTIMONY AND ADMISSION OF KEY DOCUMENTS.			

07-15-88	RNB	0.40	28.00
PREPARE PLAINTIFFS' STATEMENT IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT; PROOFREAD SAME.			
07-18-88	WWP	1.00	115.00
REVIEW AND ANALYZE MOTION FOR PARTIAL SUMMARY JUDGMENT; REVIEW NOTICE REGARDING INCREASE IN LAND-FILL FEE.			
07-18-88	RNB	1.40	98.00
FURTHER ANALYSIS OF ARGUMENTS IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT; DRAFT REVISIONS AND ADDITIONAL ARGUMENTS TO SAME.			
07-19-88	MJC	1.00	45.00
EDIT MOREAU TRANSCRIPT REGARDING ADMISSION OF CITY'S EXPERT'S REPORTS.			
07-20-88	RNB	1.20	84.00
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING DEADLINE [sic] FOR FILING PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND FOR CONFIRMING 10 ISSUES OF FACT; ASSIGNMENT TO SUMMER ASSOCIATE REGARDING LEGISLATIVE HISTORY TO ACT NO. 78; FURTHER ANALYSIS OF ADMISSIBILITY OF O'BRIEN & GERE REPORT.			
07-20-88	RAM	2.90	145.00
CONTINUE LEGAL RESEARCH REGARDING APPLICABILITY OF RULE 65(A)(2) AND WHETHER EVIDENCE ADMITTED DURING PRELIMINARY INJUNCTION STAGE IS AUTOMATICALLY ADMISSIBLE AT TRIAL; REVIEW MAGISTRATE'S RECOMMENDATION AND			

COURT ORDER ON PRELIMINARY INJUNCTION TO DETERMINE IF ADMISSIBILITY OF O'BRIEN & GERE REPORT WAS QUESTIONED.

07-20-88	MLJ	3.40	102.00
TELEPHONE CONFERENCE WITH SHIRLEY ADAMS REGARDING LEGISLATIVE HISTORY OF ACT 78; LEGAL RESEARCH OF LEGISLATIVE HISTORY OF ACT 78.			
07-21-88	MLJ	5.70	171.00
LEGAL RESEARCH AND ANALYSIS OF ACT 78, INCLUDING REVIEW OF LEGISLATIVE HISTORY IN MONTPELIER.			
07-22-88	RNB	0.40	28.00
SERVICE AND FILING OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND STATEMENT IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT.			
07-23-88	RAM	5.20	260.00
LEGAL RESEARCH REGARDING ADMISSIBILITY OF O'BRIEN & GERE REPORT AS A NON-HEARSAY ADMISSION OF AN AGENT UNDER RULE 801(D)(2)(D); BEGIN DRAFTING MOTION AND MEMORANDUM REGARDING THE ADMISSIBILITY OF THE O'BRIEN & GERE REPORT.			
07-24-88	WWP	0.80	92.00
REVIEW AND OUTLINE TASKS FOR THE NEXT TWO WEEKS.			
07-25-88	RAM	0.50	25.00
REVISE AND FINALIZE FIRST DRAFT OF MEMORANDUM REGARDING ADMISSIBILITY AT TRIAL OF O'BRIEN & GERE REPORT			

07-27-88	WWP	0.70	80.50
REVIEW LETTER TO ATTORNEY CLAPP; REVIEW AND EDIT LETTER TO JUDGE BILLINGS.			
07-27-88	RNB	2.20	154.00
DRAFT LETTER TO JUDGE BILLINGS REGARDING CITY'S FAILURE TO COMPLY WITH DEADLINES; DRAFT LETTER TO ATTORNEY CLAPP REGARDING STIPULATION OF EXHIBITS; REVISE LETTER TO JUDGE BILLINGS; REVIEW AND ANALYSIS OF MOTION TO DETERMINE ADMISSIBILITY AT TRIAL OF O'BRIEN & GERE REPORT AND SUPPORTING MEMORANDUM OF LAW; REVISE SAME.			
07-27-88	RAM	0.50	25.00
ANALYSIS OF MEMORANDUM REQUESTING ADMISSION AT TRIAL OF O'BRIEN & GERE REPORT; IDENTIFY ISSUES IN NEED OF FURTHER LEGAL RESEARCH.			
07-27-88	MLJ	0.80	24.00
DRAFT MEMORANDUM REGARDING STATUS OF LEGISLATIVE HISTORY RESEARCH.			
07-28-88	WWP	0.80	92.00
TELEPHONE CONFERENCE WITH THE COURT; REVIEW AND EDIT MOTION.			
07-28-88	RNB	0.80	56.00
DRAFT MOTION FOR ORDER THAT TEN FACTS BE DEEMED ADMITTED FOR TRIAL; SERVICE AND FILING OF SAME.			
07-28-88	RAM	2.60	130.00
LEGAL RESEARCH REGARDING CASES WHICH HAVE FOUND INVESTIGATIVE REPORTS OF AGENTS TO BE ADMISSIBLE EVIDENCE UNDER FRE 801(D)(2)(D).			

07-29-88	WWP	0.80	92.00
REVIEW AND EDIT MOTION TO DETERMINE ADMISSIBILITY OF O'BRIEN & GERE REPORT.			
07-29-88	RNB	2.50	175.00
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING STIPULATION OF EXHIBITS; COMPILE EXHIBITS; CONFERENCE WITH ATTORNEY CLAPP REGARDING SAME.			
07-29-88	RAM	1.50	75.00
FINAL REVISION OF MEMORANDUM SEEKING ADMISSIBILITY OF O'BRIEN & GERE REPORT.			
07-29-88	MJC	2.00	90.00
PREPARATION FOR AND MEETING WITH ATTORNEY CLAPP TO STIPULATE TO ADMISSION OF FACT DOCUMENTS.			
08-01-88	RNB	0.40	28.00
LETTER TO ATTORNEY CLAPP TO CONFIRM OUR CONFERENCE REGARDING STIPULATION OF EXHIBITS.			
08-02-88	WWP	2.40	276.00
REVIEW CITY'S MOTION IN LIMINE; RESEARCH AGENCY UNDER FRE 801(2)(D) AND OTHER ARGUMENTS FOR ADMISSION OF EXHIBIT 50.			
08-02-88	RNB	0.80	56.00
REVIEW AND ANALYSIS OF CITY'S MOTION IN LIMINE AND SUPPORTING MEMORANDUM OF LAW.			
08-02-88	RAM	0.80	40.00
REVIEW CITY MEMORANDUM SEEKING EXCLUSION OF O'BRIEN & GERE REPORT; ANALYSIS OF ISSUE RAISED CONCERNING			

WHETHER O'BRIEN & GERE IS AGENT FOR
PURPOSE OF RULE 801(D)(2)(D).

08-04-88	WWP	0.50	57.50
REVIEW AND ANALYZE CITY'S ADMIS- SIONS.			
08-04-88	RNB	0.50	35.00
REVIEW AND ANALYSIS OF CITY'S ADMIS- SION OF 9 FACTS.			
08-05-88	WWP	0.80	92.00
REVIEW MOTION TO ADMIT O'BRIEN & GERE REPORT; ANALYZE ADDITIONAL GROUNDS TO SUPPORT MOTION.			
08-05-88	RNB	1.10	77.00
FURTHER ANALYSIS OF CITY'S MOTION IN LIMINE AND OPPOSING ARGUMENTS THERETO; FURTHER ANALYSIS OF CITY'S ADMISSIONS OF FACT ON TRIALS OF FED- ERAL AND PENDANT CLAIMS.			
08-08-88	WWP	0.80	92.00
REVIEW CITY'S RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT.			
08-08-88	RNB	1.00	70.00
THOROUGH REVIEW AND ANALYSIS OF CITY'S OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDG- MENT.			
08-09-88	WWP	1.50	172.50
TELEPHONE CONFERENCE WITH MRS. DAGUE; CONFERENCE WITH MRS. DAGUE; READ NOTICE OF HEARING.			
08-09-88	RNB	0.40	28.00
BRIEF CONFERENCE WITH MRS. DAGUE REGARDING STATUS OF CASE.			

08-16-88	WWP	1.00	115.00
REVIEW DRAFT VERSION OF STATE'S NEW SOLID WASTE GUIDELINES.			
08-16-88	RNB	0.60	42.00
LETTER TO ATTORNEY CLAPP REGARDING WATER TEST RESULTS; ANALYSIS OF DRAFT SOLID WASTE MANAGEMENT RULES REGARDING TRANSITIONAL OPERATION AUTHORIZATIONS.			
08-16-88	MLJ	7.30	219.00
LEGAL RESEARCH AND ANALYSIS REGARD- ING LEGISLATIVE HISTORY OF ACT 78; DRAFT MEMORANDUM REGARDING SAME.			
08-18-88	WWP	0.40	46.00
REVIEW LEGISLATIVE HISTORY OF ACT 78.			
08-19-88	WWP	1.00	115.00
REVIEW MEMORANDUM AND SUPPORTING TRANSCRIPTS FOR LEGISLATIVE HISTORY; RESEARCH ON SOLID WASTE LAW AS IT RELATES TO MOTION FOR PARTIAL SUM- MARY JUDGMENT.			
08-19-88	RNB	0.70	49.00
REVIEW TRANSCRIPTS OF LEGISLATIVE HIS- TORY FOR ACT 78.			
08-19-88	RAM	1.80	90.00
LEGAL RESEARCH FOR CASES UNDER FED- ERAL RULE OF EVIDENCE 801(D)(2) WHICH HAVE FOUND THAT A REPORT DRAFTED BY AN INDEPENDENT PARTY AT THE REQUEST OF A PARTY IS ADMISSIBLE AS AN ADMIS- SION OF THE PARTY; MEMORANDUM REGARDING SAME.			
08-23-88	RNB	0.60	42.00
ANALYSIS OF STIPULATED AND DISPUTED FACTS REGARDING METHANE GAS AS THEY			

PERTAIN TO FEDERAL AND PENDANT
STATE CLAIMS.

08-26-88	RNB	1.30	91.00
LEGAL RESEARCH ON COMMON LAW CAUSES OF ACTION AND DEFENSES THERETO IN PREPARATION FOR TRIAL ON PENDANT STATE CLAIMS.			
08-29-88	RNB	0.30	21.00
FOLLOW-UP LETTER TO ATTORNEY CLAPP REGARDING WATER TEST RESULTS.			
08-30-88	WWP	0.30	34.50
REVIEW STATUS OF CITY CONFIRMATION OF WATER TESTS RESULTS.			
09-02-88	RNB	0.40	28.00
ANALYSIS OF ADMISSIBILITY OF O'BRIEN & GERE REPORT UNDER F.R.E 801.			
09-02-88	RAM	1.00	50.00
BEGIN ANALYSIS AND DRAFTING OF REPLY MEMORANDUM TO DEFENDANT'S MOTION IN LIMINE; ANALYSIS OF APPLICABILITY OF RULE 801(D)(2)(C) AND SUPPORTING CASES.			
09-05-88	RAM	1.90	95.00
DRAFT REPLY MEMORANDUM TO DEFEN- DANT'S MOTION IN LIMINE.			
09-08-88	RNB	2.00	140.00
LEGAL RESEARCH ON COMPENSATION FOR PARALEGAL HOURS AND ENHANCEMENT OF ATTORNEYS' FEES; LEGAL RESEARCH ON EPA PROPOSED REGULATIONS TO REVISE RCRA CRITERIA FOR MUNICIPAL SOLID WASTE DISPOSAL FACILITIES AND PRAC- TICES; REVIEW AND EDIT PLAINTIFFS' SUP- PLEMENTAL MEMORANDUM ON THE ADMISSIBILITY OF THE O'BRIEN & GERE REPORT; SERVICE AND FILING OF SAME.			

09-09-88	RNB	0.40	28.00
PREPARATION FOR HEARING ON PLAIN- TIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT.			
09-12-88	WWP	5.50	632.50
PREPARE FOR AND ATTEND HEARING ON MOTION FOR PARTIAL SUMMARY JUDG- MENT AND MOTION TO ADMIT O'BRIEN & GERE REPORT.			
09-12-88	RNB	5.50	385.00
PREPARATION FOR AND ATTEND HEARING ON PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND MOTION TO DETERMINE ADMISSIBILITY OF THE O'BRIEN & GERE REPORT.			
09-20-88	WWP	0.50	57.50
REVIEW CITY'S MEMORANDUM ON ADMIS- SIBILITY OF O'BRIEN & GERE REPORT.			
09-20-88	RNB	0.50	35.00
REVIEW AND ANALYSIS OF DEFENDANT'S REPLY TO PLAINTIFFS' MOTION TO DETER- MINE ADMISSIBILITY AT TRIAL OF THE O'BRIEN & GERE REPORT.			
09-22-88	WWP	0.30	34.50
OUTLINE LETTER TO THE COURT ON O'BRIEN & GERE REPORT'S ADMISSIBILITY.			
09-22-88	RNB	0.30	21.00
FURTHER REVIEW AND ANALYSIS OF DEFENDANT'S REPLY TO PLAINTIFFS' MOTION TO DETERMINE ADMISSIBILITY AT TRIAL OF THE O'BRIEN & GERE REPORT.			
09-26-88	RNB	0.30	21.00
TELEPHONE CONFERENCE WITH ATTOR- NEY CLAPP'S OFFICE REGARDING RETURN OF WATER TEST RESULTS.			

09-29-88	WWP	0.30	34.50
TELEPHONE CONFERENCE WITH MR. CAIN.			
10-17-88	WWP	0.30	34.50
REVIEW STATUS OF CASE.			
10-24-88	WWP	0.50	57.50
REVIEW COURT'S OPINION AND ORDER ON PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND ADMISSION OF O'BRIEN & GERE REPORT.			
10-24-88	RNB	0.50	35.00
REVIEW AND ANALYSIS OF OPINION AND ORDER ON PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND CROSS-MOTIONS ON THE ADMISSIBILITY OF THE O'BRIEN & GERE REPORT.			
10-31-88	RNB	0.30	21.00
REVIEW INTERVALE ASSESSMENT PREPARED BY DR. HUDSPETH.			
10-31-88	MJC	0.80	36.00
REVIEW CITY REPORT ON STATUS OF WETLANDS; MEMORANDUM REGARDING CITY ADMISSION OF CONTAMINATION OF INTERVALE BY LANDFILL.			
11/04/88	WWP	0.50	57.50
ANALYZE OPTIONS REGARDING O'BRIEN & GERE EVIDENCE; REVIEW TRIAL			
11/04/88	RNB	0.60	42.00
PLAN FOR DEPOSITION OF O'BRIEN & GERE REGARDING REPORT; CURSORY REVIEW OF REPORT.			
11/04/88	MJC	0.50	22.50
FACT RESEARCH REGARDING O'BRIEN & GERE REPORT.			

11/07/88	MJC	2.00	90.00
REVIEW FILE; TELEPHONE CONFERENCE WITH O'BRIEN & GERE FOR SCHEDULING DEPOSITION; ANALYSIS OF FACT ISSUES REGARDING TESTIMONY TO BE GIVEN.			
11/10/88	MJC	0.50	22.50
TELEPHONE CONFERENCE WITH WITNESS FROM O'BRIEN & GERE REGARDING DEPOSITION AND IDENTIFICATION OF WITNESS WITH PERSONAL KNOWLEDGE OF DISPUTED FACTS.			
11/17/88	WWP	0.30	34.50
TELEPHONE CONFERENCE WITH BETTY DAGUE.			
11/18/88	MJC	0.50	22.50
TELEPHONE CONFERENCE WITH CLIENT REGARDING GAS EXPLOSION AT LANDFILL; REPORT TO ATTORNEY BLAND REGARDING SAME.			
11/21/88	MJC	0.50	22.50
REVIEW NEWS REPORT OF GAS EXPLOSION; TELEPHONE CONFERENCE WITH CLIENT REGARDING SAME AND CITY TESTING OF YARD FOR GAS; MEMORANDUM TO ATTORNEY PEARSON REGARDING SAME.			
11/29/88	WWP	0.40	46.00
TELEPHONE CONFERENCE WITH CLIENT.			
12/12/88	RNB	0.30	21.00
TELEPHONE CONFERENCE WITH ATTORNEY CAIN REGARDING STATUS OF CASE.			
01/12/89	WWP	0.20	25.00
REVIEW COURT HEARING DATE.			

01/12/89	RNB	0.30	24.00
TELEPHONE CONFERENCE WITH CLERK OF COURT REGARDING TRIAL BY COURT ON FEDERAL CLAIMS.			
01/13/89	WWP	0.20	25.00
REVIEW TRIAL SCHEDULE.			
01/16/89	WWP	0.40	50.00
TRIAL PREPARATION ON OVERALL STRATEGY, LEGAL ISSUES, WITNESSES, SETTLEMENT, AND DISCOVERY.			
01/16/89	RNB	0.40	32.00
PLAN FOR FURTHER INVESTIGATION AND DISCOVERY AND BRIEF ANALYSIS OF LEGAL ISSUES FOR TRIAL BY COURT.			
01/19/89	RNB	0.30	24.00
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING WATER TEST RESULTS, TRANSCRIPTS OF ERNEST DAGUE'S AND JAMES OGDEN'S TESTIMONY, AND AUTHORIZATION TO SPEAK WITH MR. KACZMAR OF O'BRIEN & GERE.			
01/20/89	RNB	0.30	24.00
LETTER TO ATTORNEY CLAPP REGARDING AUTHORIZATION TO SPEAK WITH MR. KACZMAR OF O'BRIEN & GERE.			
01/31/89	RNB	3.50	280.00
ORGANIZE FILE; LEGAL RESEARCH UPDATE UNDER RCRA.			
01/31/89	MJC	0.30	15.00
TELEPHONE CONFERENCE WITH VANR FOR COPY OF SITE INVESTIGATION REPORT.			
02/01/89	WWP	0.70	87.50
NOTE HEARING DATE; REVIEW STATUS OF O'BRIEN & GERE DEPOSITION.			

02/01/89	RNB	4.70	376.00
CONTINUE LEGAL RESEARCH UPDATE UNDER CWA; COMPILE ADDITIONAL EXHIBITS FROM FILE FOR TRIAL; REVIEW STIPULATION OF FACTS; PREPARE TRIAL OUTLINE OF FEDERAL CLAIMS BY WITNESSES; TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING AUTHORIZATION TO SPEAK WITH MR. KACZMAR AND STIPULATION REGARDING TRANSCRIPT OF JAMES OGDEN'S TESTIMONY.			
02/02/89	WWP	2.00	250.00
REVIEW TRIAL SCHEDULE; PROOFREAD TRANSCRIPTS OF TESTIMONY FOR INTRODUCTION INTO EVIDENCE, EXHIBIT OBJECTIONS AND O'BRIEN & GERE DEPOSITION STATUS.			
02/02/89	RNB	1.20	96.00
REVIEW AND ANALYZE FINAL SITE INSPECTION REPORT OF THE LANDFILL BY EPA CONTRACTOR, NUS CORP.			
02/03/89	WWP	2.20	275.00
TRIAL PREPARATION: EVALUATE TRIAL WITNESSES, EXHIBITS AND ADMISSIONS; TWO TELEPHONE CONFERENCES WITH CLIENTS; ORGANIZE AND EVALUATE WATER TEST RESULTS AGAINST NEW STATE GROUNDWATER REGULATIONS.			
02/03/89	RNB	2.80	224.00
ANALYZE WITNESS TESTIMONY FOR TRIAL OF FEDERAL CLAIMS; FURTHER REVIEW OF JAMES OGDEN'S TESTIMONY.			
02/03/89	MJC	1.50	75.00
CONFERENCE WITH ATTORNEY PEARSON REGARDING EPA REPORT, STATE GROUNDWATER REGULATIONS, NEED TO CONTACT			

CLIENTS TO DISCUSS UPCOMING TRIAL AND SETTLEMENT STATUS; TELEPHONE CONFERENCE WITH CLIENTS REGARDING SAME; REVIEW STATE GROUNDWATER REGULATIONS.

02/06/89	WWP	1.50	187.50
TELEPHONE CONFERENCE WITH MR. DAGUE; CONFERENCE WITH CLIENTS.			
02/06/89	RNB	2.30	184.00
REVIEW AND ANALYSIS OF VERMONT'S GROUNDWATER PROTECTION RULE AND STRATEGY; CONFERENCE WITH BETTY DAGUE AND ERNIE DAGUE, SR. REGARDING STATUS OF CASE AND SETTLEMENT.			
02/06/89	MJC	1.00	50.00
TELEPHONE CONFERENCE WITH VANR REGARDING COPY OF CURRENT GROUNDWATER REGULATIONS AND CLASSIFICATION OF STATE GROUNDWATER; REPORT TO ATTORNEY BLAND REGARDING SAME; MEETING WITH CLIENTS REGARDING UPCOMING TRIAL AND SETTLEMENT STATUS.			
02/07/89	WWP	0.30	37.50
UPDATE DEPOSITION STATUS.			
02/07/89	MJC	5.50	275.00
ATTEND LAMOILLE COUNTY REGIONAL SOLID WASTE DISTRICT MEETING IN MORRISVILLE TO MONITOR CITY AND STATE REPRESENTATIONS REGARDING CITY'S LANDFILL.			
02/08/89	MJC	0.60	30.00
MEMORANDUM REGARDING SOLID WASTE DISTRICT MEETING AND CITY AND STATE			

STATEMENTS REGARDING CITY'S LANDFILL.

02/09/89	WWP	0.30	37.50
TELEPHONE CONFERENCE WITH COURT.			
02/10/89	WWP	1.00	125.00
TELEPHONE CONFERENCE WITH MR. CLAPP; REVIEW STATE AND CITY REPRESENTATIONS AT RECENT PUBLIC HEARING.			
02/10/89	RNB	0.20	16.00
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING DEPOSITION TO PERPETUATE TESTIMONY OF SWIATOSLOV KACZMAR.			
02/13/89	WWP	1.50	187.50
TELEPHONE CONFERENCE WITH MR. MCKEARIN; REVIEW TRIAL PREPARATION.			
02/14/89	RNB	0.20	16.00
TELEPHONE CONFERENCE WITH DR. FRANK REED'S OFFICE REGARDING UPCOMING TRIAL.			
02/15/89	WWP	1.50	187.50
REVIEW BESSETTE INVOLVEMENT IN CASE; LETTER TO MR. BESSETTE; REVIEW O'BRIEN & GERE DEPOSITION STATUS; TELEPHONE CONFERENCE WITH MR. MCKEARIN.			
02/15/89	RNB	0.40	32.00
TELEPHONE CONFERENCE WITH ATTORNEY MCKEARIN REGARDING DEPOSITION OF MR. KACZMAR; FOLLOW-UP TELEPHONE CONFERENCE WITH ATTORNEY MCKEARIN REGARDING SAME.			

02/16/89	WWP	1.00	125.00
REVIEW O'BRIEN & GERE DEPOSITION STATUS; ASCERTAIN AVAILABILITY OF PROFESSOR REED FOR TRIAL; NOTE TRIAL SCHEDULE.			
02/20/89	RNB	0.40	32.00
EXTENDED TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING HIS OPINION AS AN EXPERT WITNESS AT TRIAL THAT THE LANDFILL MAY PRESENT A SUBSTANTIAL AND IMMINENT HAZARD TO THE ENVIRONMENT.			
02/21/89	WWP	3.50	437.50
REVIEW STATUS OF O'BRIEN & GERE DEPOSITION, BESSETTE PARTICIPATION IN TRIAL, TESTIMONY OF PROFESSOR REED, FINDINGS OF FACT AND DISPUTED FACTS.			
02/28/89	WWP	1.00	125.00
TELEPHONE CONFERENCE WITH COURT; TELEPHONE CONFERENCE WITH ATTORNEY CAIN; REVIEW O'BRIEN & GERE DEPOSITION STATUS; READ BURLINGTON FREE PRESS ARTICLE ON LANDFILL.			
02/28/89	RNB	0.30	24.00
TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING DR. KACZMAR'S DEPOSITION, POSTPONEMENT OF TRIAL AND COMPILATION OF INFORMATION IN PREPARATION FOR HIS RENDERING AN OPINION THAT THE LANDFILL MAY PRESENT A SUBSTANTIAL AND IMMINENT HAZARD TO THE ENVIRONMENT.			
03/01/89	WWP	0.20	25.00
RESCHEDULE O'BRIEN & GERE DEPOSITION.			

03/01/89	RNB	1.00	80.00
TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING DEPOSITION OF DR. KACZMAR; PREPARATION FOR CONFERENCE WITH DR. REED AND PREPARATION FOR DEPOSITION OF DR. KACZMAR.			
03/02/89	WWP	3.00	375.00
PREPARE FOR AND ATTEND MEETING WITH DR. REED.			
03/02/89	RNB	2.70	216.00
FURTHER PREPARATION FOR AND CONFERENCE WITH DR. FRANK REED REGARDING HIS EXPERT OPINION ON LANDFILL.			
03/06/89	WWP	2.50	312.50
PREPARE FOR O'BRIEN & GERE DEPOSITION.			
03/06/89	RNB	2.30	184.00
PREPARATION FOR DEPOSITION OF DR. KACZMAR; LEGAL RESEARCH UPDATE OF CASE LAW ON WHAT CONSTITUTES AN "IMMINENT AND SUBSTANTIAL ENDANGERMENT" UNDER RCRA.			
03/07/89	WWP	5.20	650.00
FURTHER PREPARATION FOR O'BRIEN & GERE DEPOSITION; DEPOSITION OF TOXICOLOGIST KACZMAR OF O'BRIEN & GERE; REVIEW RESULTS OF DEPOSITION.			
03/07/89	RNB	5.80	464.00
FURTHER PREPARATION FOR AND ATTEND DEPOSITION OF DR. KACZMAR.			
03/07/89	MJC	0.60	30.00
PREPARATION FOR DEPOSITION OF O'BRIEN & GERE REPRESENTATIVE.			

03/08/89	WWP	1.00	125.00
ANALYZE DR. REED'S TESTIMONY; ANALYZE STATUS.			
03/09/89	RNB	0.30	24.00
TELEPHONE CONFERENCE WITH DR. REED REGARDING HIS EVALUATION OF WATER TEST RESULTS.			
03/14/89	WWP	0.50	62.50
REVIEW PRETRIAL PREPARATION.			
03/14/89	RNB	0.40	32.00
PREPARATION FOR TRIAL REGARDING LIST OF WITNESSES, TRIAL NOTEBOOK, STATE- MENT OF FACTS AND ADDITIONAL PRO- POSED FINDINGS OF FACT AND ANALYZE SUBSTANTIAL AND IMMINENT HAZARD COUNT.			
03/15/89	RNB	0.80	64.00
TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING HIS ANALYSIS OF LEACHATE TEST RESULTS AND EXPERT OPINION REGARDING HAZARD OF LAND- FILL; REPORT TO ATTORNEY PEARSON REGARDING SAME AND FURTHER ANALYZE SUBSTANTIAL AND IMMINENT HAZARD COUNT.			
03/16/89	RNB	0.30	24.00
TELEPHONE CONFERENCE WITH DR. REED REGARDING USE OF INTERVALE WETLAND BY MCNEIL PLANT AND GARDENER'S SUP- PLY.			
03/28/89	RNB	0.20	16.00
REVIEW DR. REED'S MARCH 23, 1989 LET- TER.			
03/30/89	WWP	0.20	25.00
READ DR. REED'S LETTER.			

03/31/89	WWP	0.50	62.50
ANALYZE EXPERT TESTIMONY FOR TRIAL.			
04/05/89	WWP	0.70	87.50
REVIEW DR. KACZMAR'S DEPOSITION.			
04/07/89	RNB	1.50	120.00
REVIEW DEPOSITION OF DR. SWIATOSLAV KACZMAR FOR ADDITIONAL PROPOSED FINDINGS OF FACT.			
04/11/89	WWP	1.00	125.00
REVIEW TRIAL DATE; REVIEW EXPERT STA- TUS; OUTLINE WORK TO BE DONE FOR TRIAL.			
04/11/89	RNB	0.40	32.00
FURTHER ANALYSIS OF SUBSTANTIAL AND IMMINENT ENDANGERMENT CLAIM AND RETENTION OF EXPERT FOR THAT CLAIM.			
04/17/89	RNB	0.20	16.00
REVIEW DEFENDANT'S SUPPLEMENTAL ANSWERS TO PLAINTIFFS' INTERROGATO- RIES DATED MARCH 16, 1989.			
04/20/89	WWP	0.20	25.00
REVIEW CITY'S DISCLOSURE OF ADDI- TIONAL EXPERT.			
04/21/89	WWP	1.50	187.50
REVIEW PRE-TRIAL WORK; DECIDE ON PRO- FESSOR READ [sic] PARTICIPATION.			
04/21/89	RNB	0.50	40.00
FURTHER ANALYSIS OF CLAIMS AND WIT- NESSES' TESTIMONY IN PREPARATION FOR TRIAL.			
04/22/89	RNB	1.50	120.00
COMPILE DOCUMENTS REGARDING FED- ERAL CLAIMS FOR TRIAL NOTEBOOK.			

04/24/89	WWP	2.00	250.00
REVIEW AND ANALYZE STIPULATED FACTS, PRE-TRIAL ORDER AND FEDERAL STATUTES.			
04/24/89	RNB	0.60	48.00
TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING HIS EXPERT OPINION ON SUBSTANTIAL AND IMMINENT ENDANGERMENT CLAIM; LETTER TO DR. REED REGARDING SAME.			
04/24/89	MJC	2.50	125.00
TELEPHONE CONFERENCE WITH DR. FRANK REED TO SCHEDULE LANDFILL VISIT; TELEPHONE CONFERENCE WITH VANR REGARDING WATER TEST RESULTS; REVIEW FILE AND ASSEMBLE ALL WATER TEST RESULTS.			
04/25/89	MJC	1.80	90.00
REVIEW FILE; TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING WATER TEST RESULTS; TELEPHONE CONFERENCE WITH CLIENTS REGARDING UPCOMING TRIAL; LETTERS TO CLIENTS REGARDING SAME; TRIAL PREPARATION.			
04/26/89	WWP	1.00	125.00
REVIEW PROPOSED FACTS; TRIAL PREPARATION.			
04/26/89	RNB	2.80	224.00
DRAFT ADDITIONAL PROPOSED FINDINGS OF FACT; COMPILE ALL STIPULATED FACTS INTO STIPULATION OF FACTS.			
04/27/89	WWP	1.00	125.00
FURTHER TRIAL PREPARATION.			

04/27/89	RNB	1.00	80.00
DRAFT ADDITIONAL PROPOSED FINDINGS OF FACT.			
04/27/89	MJC	0.60	30.00
TELEPHONE CONFERENCE WITH CLIENTS AND OPPOSITE COUNSEL REGARDING TRIAL DATE; LANDFILL SITE VISIT; REVIEW FILES FOR DR. REED DEPOSITION EXHIBITS.			
04/28/89	MJC	3.00	150.00
LANDFILL VISIT WITH DR. FRANK REED.			
05/01/89	WWP	7.50	937.50
TRIAL PREPARATION; TELEPHONE CONFERENCE WITH MR. CLAPP; TELEPHONE CONFERENCE WITH CLIENT; TELEPHONE CONFERENCE WITH DR. REED; TELEPHONE CONFERENCE WITH COURT.			
05/01/89	RNB	3.30	264.00
ANALYZE STIPULATION OF FACTS, PLAINTIFFS' PROPOSED FINDINGS OF FACT, WITNESSES' TESTIMONY AND TRIAL EXHIBITS; TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING HIS EXPERT OPINION; LETTER TO CLERK OF COURT REGARDING FILING OF STIPULATION OF FACTS AND TRANSCRIPTS OF MESSRS. OGDEN AND DAGUE'S TESTIMONY DURING HEARING ON PRELIMINARY INJUNCTION.			
05/01/89	MJC	5.00	250.00
TELEPHONE CONFERENCE WITH BETTY DAGUE REGARDING UPCOMING TRIAL; LETTER TO MRS. DAGUE REGARDING SAME; CONFERENCE WITH ATTORNEY PEARSON AND ATTORNEY BLAND REGARDING TRIAL PREPARATION AND EVIDENTIARY SUPPORT OF STIPULATED AND PROPOSED FACTS; TELEPHONE CONFERENCE WITH DR.			

FRANK REED REGARDING HIS OPINIONS AND PROVISION OF REED DEPOSITION EXHIBITS TO OPPOSITE COUNSEL; TELEPHONE CONFERENCE WITH OPPOSITE COUNSEL REGARDING SAME; REVIEW PROPOSED FACTS AND COMPARE WITH WITNESS TESTIMONY AND EXHIBITS.

05/02/89	WWP	6.70	837.50
TELEPHONE CONFERENCE WITH MR. MCKEARIN; TELEPHONE CONFERENCES WITH COURT; TRIAL PREPARATION.			
05/02/89	RNB	5.80	464.00
DETAILED ANALYSIS OF FEDERAL CLAIMS AND STATE GROUNDWATER CAUSE OF ACTION BASED UPON STIPULATION OF FACTS AND PROPOSED FINDINGS OF FACT; PREPARATION FOR EXAMINATION OF WITNESSES; ANALYZE EVIDENTIARY ISSUES; DRAFT MEMORANDUM REGARDING CHRONOLOGY OF STIPULATION OF FACTS; COMPILE AND REVIEW FACTUAL DOCUMENTS AND CASELAW TO SUPPORT CLAIMS.			
05/02/89	MJC	2.80	140.00
TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING DEPOSITION EXHIBITS AND WATER TEST RESULTS; ORGANIZE FILE IN PREPARATION FOR TRIAL; CONFERENCE WITH ATTORNEY PEARSON REGARDING TRIAL PREPARATION.			
05/03/89	WWP	7.50	937.50
TRIAL PREPARATION.			
05/03/89	RNB	7.30	584.00
LEGAL RESEARCH OF CASELAW ON DISPLACEMENT OF CITIZEN SUIT ENFORCEMENT UNDER RCRA BY STATE AUTHORIZED HAZARDOUS WASTE PROGRAM "DISPOSAL"			

OF HAZARDOUS WASTE UNDER RCRA, ASSESSMENT OF CIVIL PENALTIES UNDER FEDERAL ENVIRONMENTAL LAWS, AND STANDARDS AND LIABILITY FOR SUBSTANTIAL AND IMMINENT ENDANGERMENT UNDER RCRA; DETAILED ANALYSIS OF CITY'S AUTHORITY TO OPERATE THE LANDFILL UNDER FEDERAL LAW, STATE LAW AND TRANSITIONAL OPERATION AUTHORIZATION; LEGAL RESEARCH UNDER F.R.E. 804 REGARDING ADMISSION OF PRIOR TESTIMONY OF WITNESS NOW UNAVAILABLE DUE TO DEATH; ANALYZE STATE'S DECISION NOT TO ASSESS LANDFILL IN LIGHT OF ACT 78 AND TRANSITIONAL OPERATION AUTHORIZATION.

05/03/89	MJC	6.20	310.00
TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING NEW WATER TEST RESULTS AND OTHER DOCUMENTS NEEDED FOR TRIAL; TRIAL PREPARATION AND FILE REVIEW; DRAFT SUBPOENAS FOR STATE WITNESSES; LETTER TO OPPOSITE COUNSEL WITH REED DEPOSITION EXHIBITS.			
05/04/89	WWP	6.00	750.00
TRIAL PREPARATION.			
05/04/89	RNB	12.30	984.00
REVIEW JAMES OGDEN'S TESTIMONY DURING PRELIMINARY INJUNCTION HEARING REGARDING CITY'S HAZARDOUS WASTE NOTIFICATION TO EPA; ANALYZE JANUARY 3, 1985 ASSURANCE OF DISCONTINUANCE,			

TRANSITIONAL OPERATION AUTHORIZATION, AND SEPTEMBER 1, 1987 AMENDMENT TO ASSURANCE OF DISCONTINUANCE; REVIEW CORRESPONDENCE AND MEMORANDA BETWEEN JONATHAN LASH AND CITY OF BURLINGTON REGARDING LANDFILL; PREPARATION FOR AND CONFERENCE WITH DR. FRANK REED IN PREPARATION FOR HIS DEPOSITION AND TRIAL; REVIEW AND ANALYZE DOCUMENTS FROM STATE'S FILE REGARDING TRANSITIONAL OPERATION AUTHORIZATION AND AMENDMENTS TO JANUARY 31, 1985 ASSURANCE OF DISCONTINUANCE; ANALYZE HISTORY OF STATE AUTHORIZATION TO OPERATE LANDFILL SINCE JANUARY 31, 1985 ASSURANCE OF DISCONTINUANCE; ANALYZE TESTIMONY OF WITNESSES FROM STATE REGARDING SAME.

05/04/89 RAM 4.20 294.00

LEGAL RESEARCH REGARDING THE MEANING OF "IMMINENT AND SUBSTANTIAL ENDANGERMENT" AS THAT PHRASE IS USED IN RCRA SECTION 7003; DRAFT MEMORANDUM OF LAW REGARDING SAME.

05/04/89 MJC 7.30 365.00

PREPARATION FOR TRIAL; TELEPHONE CONFERENCE WITH VANR REGARDING FILE REVIEW; REVIEW VANR FILE; CONFERENCE WITH STATE OFFICIALS REGARDING REGULATION OF LANDFILL.

05/05/89 WWP 8.00 1,000.00

TRIAL PREPARATION; ATTEND DEPOSITION OF DR. REED.

05/05/89 RNB 11.20 896.00

PREPARATION FOR AND ATTEND DEPOSITION OF DR. FRANK REED; REVIEW SUBPOENA DUCES TECUM FOR MR. BRIAN HECKENBERGER; DRAFT PROPOSED FINDINGS OF FACT REGARDING LANDFILL AS AN ACTIVE HAZARDOUS WASTE SITE AND LEACHATE AS PRESENTING A SUBSTANTIAL AND IMMINENT ENDANGERMENT TO PUBLIC HEALTH AND THE ENVIRONMENT; CONFERENCE WITH DR. FRANK REED IN PREPARATION FOR TRIAL; ANALYZE CITY'S NONCOMPLIANCE WITH TERMS AND CONDITIONS OF JANUARY 31, 1985 ASSURANCE REGARDING CLOSURE OF LANDFILL AND SELECTION OF AN ALTERNATE SITE.

05/05/89 RAM 0.30 21.00

REVISE MEMORANDUM REGARDING MEANING OF "IMMINENT AND SUBSTANTIAL ENDANGERMENT" UNDER RCRA SECTION 7003.

05/05/89 MJC 5.20 260.00

TRIAL PREPARATION; TELEPHONE CONFERENCE WITH VANR REGARDING RECORDS OF LANDFILL REGULATION; SERVE STATE WITNESS WITH SUBPOENA.

05/06/89 WWP 10.00 1,250.00

TRIAL PREPARATION; DEPOSITION OF MR. COUNTRYMAN.

05/06/89 RNB 15.80 1,264.00

THOROUGH REVIEW OF WILLIAM COUNTRYMAN'S DECEMBER 9, 1985 DEPOSITION IN PREPARATION FOR HIS DEPOSITION; DRAFT ADDITIONAL PROPOSED FINDINGS OF FACT REGARDING TRANSITIONAL OPERATION AUTHORIZATION; AMENDMENTS TO

JANUARY 31, 1985 ASSURANCE OF DISCONTINUANCE, CITY'S NONCOMPLIANCE WITH TERMS THERETO AND STATE ENFORCEMENT EFFORTS; FURTHER PREPARATION FOR AND ATTEND DEPOSITION OF WILLIAM COUNTRYMAN; PREPARE EXAMINATIONS OF MESSRS. MOREAU, GOODKIND, HECKENBERGER AND LASH; LEGAL RESEARCH ON WITHDRAWAL OF FACTS ADMITTED UNDER FEDERAL RULES OF CIVIL PROCEDURE AND EVIDENCE; COMPILE EXHIBITS AND LEGAL SOURCES IN PREPARATION FOR TRIAL; ANALYZE ORDER OF WITNESSES.

05/07/89	WWP	12.00	1,500.00
TRIAL PREPARATION.			
05/07/89	RNB	9.90	792.00
PREPARE EXAMINATION OF DR. KACZMAR; CONFERENCE WITH DR. FRANK REED REGARDING HIS TESTIMONY AT TRIAL; FURTHER REVIEW OF ALL TRIAL EXHIBITS AND FINAL PREPARATION FOR TRIAL.			
05/07/89	MJC	6.50	325.00
PREPARATION FOR TRIAL; ORGANIZE OLD AND NEW EXHIBITS; CONFERENCE WITH DR. REED REGARDING FACTS NEEDED FOR EXPERT TESTIMONY; LANDFILL SITE VISIT AND PHOTOS.			
05/08/89	WWP	12.00	1,500.00
TRIAL IN RUTLAND; NEXT DAY PREPARATION.			
05/08/89	RNB	19.30	1,544.00
REVIEW AND ANALYZE STIPULATION OF FACTS IN PREPARATION FOR TODAY'S TESTIMONY; PREPARE FOR AND ATTEND PRE-TRIAL CONFERENCE AND TRIAL, ASSISTING			

WITH EXAMINATIONS OF MESSRS. MOREAU, GOODKIND AND HECKENBERGER; THROUGH REVIEW AND ANALYSIS OF CITY'S TRIAL MEMORANDUM; PREPARE FOR EXAMINATIONS OF MR. LASH, PROFESSORS REED AND COUNTRYMAN AND DR. KACZMAR; LEGAL RESEARCH ON "POINT SOURCE" UNDER CLEAN WATER ACT.

05/08/89	RAM	0.70	49.00
INITIAL ANALYSIS OF WHETHER A CLEAN WATER ACT VIOLATION CAN BE MADE OUT IF THE "POINT SOURCE" IS LOCATED ON LAND ADJACENT TO THAT OF DEFENDANT.			
05/08/89	MJC	11.00	550.00
PREPARATION FOR AND ASSISTANCE AT TRIAL ON FEDERAL CLAIMS IN RUTLAND; TELEPHONE CONFERENCE WITH FIRM LIBRARIAN REGARDING DOCUMENTS NEEDED AS EXHIBITS.			
05/09/89	WWP	12.00	1,500.00
TRIAL IN RUTLAND; NEXT DAY PREPARATION.			
05/09/89	RNB	17.80	1,424.00
FURTHER ANALYSIS OF CITY'S TRIAL MEMORANDUM; LEGAL RESEARCH UNDER ACT 78 REGARDING SECRETARY'S EMERGENCY POWERS, IF ANY; PREPARE FOR AND ASSIST WITH EXAMINATION OF DR. FRANK REED; PREPARE FOR CROSS-EXAMINATIONS OF WILLIAM COUNTRYMAN AND CRAIG HEINDEL; DETAILED ANALYSIS OF RATE AND FLOW OF GROUNDWATER IN AND AROUND LANDFILL.			

05/09/89	RAM	4.20	294.00
LEGAL RESEARCH AT FEDERAL COURT ON THE ISSUE OF WHETHER A "POINT SOURCE" UNDER SECTION 1342 OF THE CLEAN WATER ACT MUST BE LOCATED ON THE POLLUTER'S PROPERTY IN ORDER FOR POLLUTER TO HAVE TO OBTAIN A PERMIT; REVIEW TAX MAPS AND DEEDS OF LANDFILL PROPERTY AND ANALYZE OWNERSHIP ISSUES.			
05/09/89	MJC	11.50	575.00
PREPARATION FOR TRIAL; ASSIST AT TRIAL; MARK ADMITTED EXHIBITS TO BE USED AT TRIAL; TELEPHONE CONFERENCE WITH FIRM LIBRARIAN REGARDING MAPS OF LANDFILL AND TITLE SEARCH OF LANDFILL.			
05/10/89	WWP	12.00	1,500.00
TRIAL IN RUTLAND; NEXT DAY PREPARATION.			
05/10/89	RNB	10.30	824.00
ANALYZE BOUNDARIES OF CITY PROPERTY REGARDING LANDFILL; TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING HYDROGEOLOGICAL ANALYSES AND ELIMINATION OF H.O. WHEELER SCHOOL AS A SOURCE OF CONTAMINATION OF INTERVALE; FURTHER PREPARATION FOR CROSS-EXAMINATIONS OF WILLIAM COUNTRYMAN AND CRAIG HEINDEL; PREPARE FOR AND RESPOND TO ORAL MOTION TO DISMISS; ASSIST WITH CROSS-EXAMINATION OF WILLIAM COUNTRYMAN.			
05/10/89	MJC	2.90	145.00
PREPARATION FOR TRIAL; CONFERENCE WITH FIRM LIBRARIAN REGARDING CITY			

ASSESSOR'S MAP AND DEEDS TO LANDFILL; PREPARE EXHIBIT FILES AND INDEX; CONFERENCE WITH CITY ASSESSOR'S OFFICE REGARDING CERTIFICATION OF TAX MAP FOR USE AT TRIAL; CONFERENCE WITH ATTORNEY MILLER REGARDING ADMISSIBILITY OF SAME; DRAFT SUBPOENA FOR CITY MANAGER; TELEPHONE CONFERENCE WITH COURT.

05/11/89	WWP	10.00	1,250.00
TRIAL IN RUTLAND.			
05/11/89	RNB	14.30	1,144.00
PREPARE FOR CROSS-EXAMINATION OF DR. SWIATOSLOV KACZMAR; PREPARE FOR AND ASSIST WITH CROSS-EXAMINATIONS OF MESSRS. LASH, HEINDEL, MOREAU AND GOODKIND.			
5/11/89	MJC	1.80	90.00
SERVICE OF SUBPOENA ON WITNESS ROWLEY; ATTEMPTS TO LOCATE ROWLEY AT UVM AND PUBLIC WORKS DEPARTMENT; CONFERENCE WITH ROWLEY REGARDING DAGUE PROPERTY LINES; TELEPHONE CONFERENCE WITH ROWLEY REGARDING NEED TO TESTIFY.			
05/15/89	RNB	9.80	784.00
DRAFT PLAINTIFFS' PROPOSED FINDINGS OF FACT WITH SUPPORTING CITATIONS TO TESTIMONY OF WITNESSES AND EXHIBITS; TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING SUBMITTAL OF HIS BILL FOR DEPOSITION AND OTHER SERVICES.			

05/16/89	RNB	5.80	464.00
REVIEW ALL EXHIBITS ADMITTED AT TRIAL; CONTINUE DRAFTING PLAINTIFFS' PROPOSED FINDINGS OF FACT; REVISE AND REORDER SAME.			
05/17/89	RNB	0.30	24.00
LETTER TO ATTORNEY PEARSON REGARDING PLAINTIFFS' PROPOSED FINDINGS OF FACT.			
05/18/89	RNB	4.80	384.00
REVIEW ALL PRIOR MEMORANDA OF LAW AND BRIEFS IN PREPARATION FOR DRAFTING TRIAL MEMORANDUM; REVIEW DR. REED'S MAY 15, 1989 LETTER AND INVOICES; LETTER TO ATTORNEY MCKEARIN REGARDING INVOICE FROM DR. REED FOR HIS DEPOSITION.			
05/23/89	WWP	1.00	125.00
REVIEW DRAFT STATEMENT OF FACTS.			
05/24/89	RNB	0.50	40.00
TELEPHONE CONFERENCE WITH ATTORNEY MCKEARIN REGARDING PLAINTIFFS' EXHIBIT 67; LETTER TO ATTORNEY MCKEARIN REGARDING SAME.			
05/30/89	RNB	1.10	88.00
REVIEW ATTORNEY HEMLEY'S MAY 25, 1989 LETTER REGARDING HIS REQUEST FOR COPIES OF STIPULATION OF FACTS AND PLAINTIFFS' [SIC] REQUEST FOR FINDINGS; LETTER TO ATTORNEY HEMLEY REGARDING SAME; REVIEW ATTORNEY MCKEARIN'S MAY 26, 1989 LETTER; TELEPHONE CONFERENCE WITH ATTORNEY CLAPP REGARDING PLAINTIFFS' EXHIBITS.			

05/31/89	RNB	0.40	32.00
TELEPHONE CONFERENCE WITH ATTORNEY PEARSON REGARDING PLAINTIFFS' [SIC] PROPOSED FINDINGS OF FACT, PLAINTIFFS' [SIC] EXHIBITS, AND CITY'S REQUEST FOR STIPULATION REGARDING STATE'S LAWSUIT BROUGHT AGAINST CITY IN DECEMBER OF 1985.			
06/01/89	RNB	8.80	704.00
TELEPHONE CONFERENCE WITH ATTORNEY MCKEARIN REGARDING PLAINTIFFS' EXHIBIT 69 AND THE CITY'S REQUESTED STIPULATION REGARDING THE STATE'S LAWSUIT BROUGHT AGAINST THE CITY IN DECEMBER 1985; CONFIRMATION LETTER TO ATTORNEY MCKEARIN REGARDING SAME; BEGIN DRAFTING PLAINTIFFS' TRIAL MEMORANDUM, INCLUDING INTRODUCTION AND FIRST ARGUMENT REGARDING CITY'S VIOLATION OF SECTION 6925(A) OF RCRA.			
06/02/89	RNB	4.50	360.00
CONTINUE DRAFTING PLAINTIFFS' TRIAL MEMORANDUM, INCLUDING ARGUMENT THAT CITY IS VIOLATING SECTION 6930(A) OF RCRA.			
06/03/89	RNB	8.30	664.00
CONTINUE DRAFTING PLAINTIFFS' TRIAL MEMORANDUM, INCLUDING ARGUMENT THAT COURT CAN ENFORCE THE MINIMUM FEDERAL PROHIBITIONS OF SECTIONS 6925(A) AND 6930(A) OF RCRA AND ARGUMENT THAT THE CITY HAS OPERATED THE LANDFILL IN VIOLATION OF THE SAFETY CRITERION OF RCRA.			

06/04/89	RNB	4.30	344.90
CONTINUE DRAFTING PLAINTIFFS' TRIAL MEMORANDUM, INCLUDING ARGUMENTS THAT THE CITY HAS VIOLATED THE SURFACE WATER AND GROUNDWATER CRITERIA OF RCRA.			
06/05/89	RNB	6.50	520.00
CONTINUE DRAFTING PLAINTIFFS' TRIAL MEMORANDUM, INCLUDING ARGUMENT THAT THE CITY IS OPERATING THE LANDFILL WITHOUT LAWFUL AUTHORITY IN VIOLATION OF 42 U.S.C. SECTION 6945(A).			
06/06/89	RNB	3.80	304.00
BEGIN DRAFTING ARGUMENT OF PLAINTIFFS' TRIAL MEMORANDUM THAT THE LANDFILL PRESENTS AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO THE ENVIRONMENT IN VIOLATION OF 42 U.S.C. SECTION 6972(A)(1)(B).			
06/07/89	RNB	3.80	304.00
COMPLETE ARGUMENT OF TRIAL MEMORANDUM THAT THE PAST AND PRESENT DISPOSAL OF HAZARDOUS AND SOLID WASTES AT THE LANDFILL PRESENTS AND [sic] IMMINENT AND SUBSTANTIAL ENDANGERMENT TO THE ENVIRONMENT IN VIOLATION OF 42 U.S.C. SECTION 6972(A)(1)(B); EDIT AND PROOFREAD TRIAL MEMORANDUM TO DATE.			
06/08/89	RNB	7.80	624.00
DRAFT ARGUMENT OF TRIAL MEMORANDUM THAT THE CITY HAS VIOLATED THE CLEAN WATER ACT.			
06/09/89	RNB	0.80	64.00
DRAFT ARGUMENTS OF TRIAL MEMORANDUM THAT CITY IS VIOLATING VERMONT			

GROUNDWATER PROTECTION LAW AND THAT PLAINTIFFS' CLAIMS UNDER RCRA AND THE CWA ARE NEITHER PREEMPTED NOR MOOT.

06/12/89	RNB	1.80	144.00
PROOFREAD AND EDIT PLAINTIFFS' TRIAL MEMORANDUM; BRIEF TELEPHONE CONFERENCE WITH ATTORNEY PEARSON REGARDING PLAINTIFFS' PROPOSED FINDINGS OF FACT AND TRIAL MEMORANDUM; LETTER TO ATTORNEY PEARSON REGARDING SAME.			
06/14/89	RNB	5.80	464.00
EXTENDED TELEPHONE CONFERENCE WITH ATTORNEY PEARSON REGARDING REVISIONS TO TRIAL MEMORANDUM; FOLLOW-UP TELEPHONE CONFERENCE WITH ATTORNEY PEARSON REGARDING REVISIONS TO PLAINTIFFS' PROPOSED FINDINGS OF FACT; DRAFT CONCLUSIONS AND RELIEF REQUESTED SECTION OF TRIAL MEMORANDUM; REVISE PLAINTIFFS' PROPOSED FINDINGS OF FACT AND TRIAL MEMORANDUM.			
06/15/89	RNB	2.30	184.00
LETTER TO CLERK OF U.S. DISTRICT COURT IN RUTLAND REGARDING FILING OF PLAINTIFFS' PROPOSED FINDINGS OF FACT, TRIAL MEMORANDUM, CERTIFICATE OF SERVICE, TESTIMONY OF MESSRS. OGDEN AND DAGUE, AND PLAINTIFFS' EXHIBITS; DRAFT CERTIFICATE OF SERVICE; COMPILE PLAINTIFFS' EXHIBITS FOR FILING WITH THE COURT; FINAL PROOFREAD OF PLAINTIFFS' PROPOSED FINDINGS OF FACT AND TRIAL MEMORANDUM.			

06/19/89	RNB	2.30	184.00
REVIEW AND ANALYZE DEFENDANT'S MOTION TO REOPEN THE EVIDENCE AND SUPPORTING MEMORANDUM OF LAW, DEFENDANT'S PROPOSED FINDINGS OF FACT, AND DEFENDANT'S PROPOSED CONCLUSIONS OF LAW AND SUPPORTING MEMORANDUM; TELEPHONE CONFERENCE WITH ATTORNEY MCKEARIN REGARDING DEFENDANT'S MOTION TO REOPEN THE EVIDENCE; LETTER TO ATTORNEY MCKEARIN REGARDING THE STATE'S COMPLAINT AGAINST THE CITY.			
06/20/89	RNB	1.00	80.00
TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING HIS EXPERT WITNESS FEES; TELEPHONE CONFERENCE WITH ATTORNEY MCKEARIN REGARDING DR. REED'S FEE FOR HIS DEPOSITION; EXTENDED TELEPHONE CONFERENCE WITH ATTORNEY PEARSON REGARDING DEFENDANT'S MOTION TO REOPEN THE EVIDENCE, PROPOSED FINDINGS OF FACT, AND TRIAL MEMORANDUM.			
06-21-89	RNB	0.30	24.00
LETTER TO DR. FRANK REED REGARDING HIS EXPERT WITNESS FEE.			
07-05-89	RNB	0.60	48.00
REVIEW AND ANALYZE DEFENDANT'S REPLY MEMORANDUM.			
07-06-89	RNB	0.30	24.00
LETTER TO ATTORNEY PEARSON REGARDING CITY'S REPLY MEMORANDUM.			

09-01-89	RNB	0.30	24.00
LETTER TO ATTORNEY MCKEARIN REGARDING DR. KACZMAR'S BILL FOR HIS DEPOSITION.			
10-16-89	RNB	0.40	32.00
REVIEW ATTORNEY MCKEARIN'S 13 OCTOBER 1989 LETTER TO TO [sic] THE COURT REGARDING SUBMISSION OF DEFENDANT'S TRIAL EXHIBITS' CONFIRM ADMISSION OF THESE EXHIBITS.			
10-18-89	RNB	6.30	504.00
THOROUGH REVIEW AND ANALYSIS OF JUDGE BILLINGS' FINDINGS OF FACT, OPINION AND ORDER; EXTENDED TELEPHONE CONFERENCE WITH ATTORNEY PEARSON REGARDING SAME; RESPOND TO NEWSPAPER AND TELEVISION INQUIRIES; CONFERENCE WITH ATTORNEY TUTTLE REGARDING PURSUIT OF PLAINTIFFS' COSTS OF LITIGATION, INCLUDING REASONABLE ATTORNEYS AND EXPERT WITNESS FEES, UNDER RCRA AND CWA; TELEPHONE CONFERENCE WITH CLERK OF COURT REGARDING ENTRY OF JUDGMENT.			
10-18-89	ART	2.70	202.50
BEGIN ORGANIZATIONAL WORK ON BILL OF COSTS AND ATTORNEY FEES MOTION; REVIEW COURT'S ORDER DATED OCTOBER 17, 1989; BEGIN LEGAL RESEARCH REGARDING ATTORNEY FEES.			
10-19-89	HB	2.20	264.00
RESEARCH REGARDING AWARD OF ATTORNEYS FEES.			

10-19-89	RNB	0.80	64.00
CONFERENCE WITH ATTORNEY TUTTLE REGARDING LEGAL RESEARCH ON RECOVERY OF COSTS OF LITIGATION UNDER RCRA AND CWA.			
10-19-89	ART	9.10	682.50
LEGAL RESEARCH REGARDING ATTORNEY FEES UNDER RCRA AND CLEAN WATER AND AIR ACTS.			
10-19-89	AJG	0.30	13.50
CONFERENCE WITH ATTORNEY TUTTLE REGARDING SEARCH OF FILES TO ITEMIZE DISBURSEMENTS; EXAMINATION OF FILES.			
10-20-89	HB	3.10	372.00
RESEARCH REGARDING RECOVERY OF FEES.			
10-20-89	RNB	2.50	200.00
COMPILE AND ANALYZE LEGAL RESEARCH ON RECOVERY OF COSTS OF LITIGATION UNDER RCRA AND CWA; COMPILE RECEIPTS FOR DISBURSEMENTS INCURRED; CONFERENCE WITH ATTORNEY BRIGGS REGARDING LEGAL RESEARCH ON LOAD-STAR AND MULTIPLIER; TELEPHONE CONFERENCE WITH DR. FRANK REED REGARDING JUDGE BILLINGS' DECISION.			
10-20-89	ART	7.00	525.00
CONTINUE LEGAL RESEARCH REGARDING AWARDS OF ATTORNEY FEES UNDER RCRA AND CLEAN WATER ACT; SHEPARDIZE CASES.			
10-20-89	AJG	1.80	81.00
CONTINUE REVIEW OF FILES FOR DISBURSEMENT RECEIPTS.			

10-22-89	ART	1.00	75.00
LEGAL RESEARCH REGARDING ATTORNEY FEES UNDER RCRA AND CLEAN AIR ACT; BEGIN DRAFT MOTION FOR FEES.			
10-23-89	HB	2.80	336.00
CONTINUE PREPARATION OF FEE APPLICATION AND ACCOMPANYING AFFIDAVITS.			
10-23-89	RNB	8.70	696.00
TELEPHONE CONFERENCE WITH MRS. BETTY DAGUE REGARDING JUDGE BILLINGS' DECISION AND CITY'S RESPONSE TO MALFUNCTION OF METHANE GAS METER; EXTENDED TELEPHONE CONFERENCE WITH ATTORNEY PEARSON REGARDING SAME, ANALYSIS OF JUDGE BILLINGS' DECISION, REQUEST FOR PLAINTIFFS' COSTS OF LITIGATION, AND SETTLEMENT; BEGIN REVIEW AND PROOFREAD DRAFT STATEMENT OF SERVICES.			
10-23-89	ART	4.20	315.00
CONTINUE DRAFT MOTION FOR ATTORNEY FEES AND EXPENSES.			
10-24-89	RNB	1.80	144.00
CONTINUE REVIEW AND PROOFREAD DRAFT STATEMENT OF SERVICES.			
10-25-89	GSC	2.40	216.00
DETAILED LINE-BY-LINE REVIEW OF BILL FOR LEGAL SERVICES FROM 1985 TO PRESENT; REVIEW STANDARDS FOR ATTORNEYS FEES AWARDS AND ENHANCEMENT CRITERIA.			
10-25-89	RNB	0.80	64.00
CONFERENCE WITH ACCOUNTING DEPARTMENT REGARDING STATEMENT OF SERVICES.			

10-25-89	ART	1.70	127.50
REVISIONS TO MOTION FOR ATTORNEY FEES AND SUPPORTING MEMORANDUM.			
10-26-89	RNB	4.30	344.00
EXTENDED TELEPHONE CONFERENCE WITH ATTORNEY PEARSON REGARDING DRAFT STATEMENT OF SERVICES; TELEPHONE CONFERENCE WITH ATTORNEY GALLAGHER REGARDING SAME; LEGAL RESEARCH ON REQUIREMENTS GOVERNING COURT-AWARDED ATTORNEY FEES APPLICATIONS; FOLLOW-UP TELEPHONE CONFERENCE WITH ATTORNEY GALLAGHER REGARDING SAME; REVISE PLAINTIFFS' APPLICATION FOR AWARD OF FEES AND COSTS AND SUPPORTING MEMORANDUM.			
10-26-89	ART	0.70	52.50
LEGAL RESEARCH AND ANALYSIS REGARDING CONTEMPORANEOUS TIME RECORDS REQUIREMENT; TELEPHONE CONFERENCE WITH ACCOUNTING REGARDING BILL.			
10-27-89	RNB	3.30	264.00
ANALYZE REQUIREMENTS FOR COURT-AWARDED ATTORNEY FEES APPLICATIONS; CONFERENCE WITH ACCOUNTING DEPARTMENT REGARDING HOURLY RATES FOR SERVICES; CONTINUE TO REVISE MEMORANDUM IN SUPPORT OF PLAINTIFFS' APPLICATION FOR AWARD OF FEES AND COSTS.			
10-28-89	RNB	4.30	344.00
DRAFT AFFIDAVIT IN SUPPORT OF PLAINTIFFS' APPLICATION FOR AWARD OF FEES AND COSTS; REVISE SAME; REVIEW RECEIPTS FOR EXPENSES.			

10-29-89	RNB	3.80	304.00
REVISE AFFIDAVIT IN SUPPORT OF PLAINTIFFS' APPLICATION FOR AWARD OF FEES AND COSTS; EXTENDED TELEPHONE CONFERENCE WITH ATTORNEY PEARSON REGARDING REVISIONS TO MEMORANDUM IN SUPPORT OF PLAINTIFFS' APPLICATION FOR AWARD OF FEES AND COSTS; CONTINUE TO REVISE MEMORANDUM IN SUPPORT OF PLAINTIFFS' APPLICATION FOR AWARD OF FEES AND COSTS.			
10-30-89	RNB	4.30	344.00
TELEPHONE CONFERENCE WITH ATTORNEY PEARSON REGARDING REVISIONS TO MEMORANDUM IN SUPPORT OF PLAINTIFFS' APPLICATION FOR AWARD OF FEES AND COSTS; FOLLOW-UP TELEPHONE CONFERENCE WITH ATTORNEY PEARSON REGARDING REVISIONS TO APPLICATION AND AFFIDAVIT IN SUPPORT OF PLAINTIFFS' APPLICATION FOR AWARD OF FEES AND COSTS; TELEPHONE CONFERENCE WITH ATTORNEY MELLO REGARDING AFFIDAVIT IN SUPPORT OF PLAINTIFFS' APPLICATION FOR AWARD OF FEES AND COSTS; TELEPHONE CONFERENCE WITH ATTORNEY FURLONG REGARDING SAME; DRAFT AFFIDAVITS FOR ATTORNEYS MELLO AND FURLONG; TELEPHONE CONFERENCE WITH ATTORNEY EGGLESTON REGARDING AFFIDAVIT IN SUPPORT OF PLAINTIFFS' APPLICATION FOR AWARD OF FEES AND COSTS; DRAFT AFFIDAVIT OF ATTORNEY EGGLESTON; THOROUGH REVIEW AND ANALYSIS OF PROPOSED ATTACHMENT TO			

ATTORNEY PEARSON'S AFFIDAVIT; EDIT
ATTORNEY PEARSON'S AFFIDAVIT.

198,027.50

DOWNS RACHLIN & MARTIN, PROF. CORP
9 PROSPECT STREET
POST OFFICE BOX 99
ST. JOHNSBURY, VT 05819-0099

October 30, 1989

MRS. ERNEST DAGUE
BURLINGTON, VT 05401

FILE NUMBER: 2369001

INVOICE NUMBER: 1

FOR THE PERIOD THROUGH October 30, 1989

DAGUE V. CITY OF BURLINGTON

William W. Pearson

01-01-89 - 12-31-89	142.50 HOURS AT 125.00 /HR	= 17,812.50
07-01-87 - 12-31-88	143.10 HOURS AT 115.00 /HR	= 16,456.50
07-01-86 - 06-30-87	86.80 HOURS AT 100.00 /HR	= 8,680.00
07-01-84 - 06-30-86	442.40 HOURS AT 85.00 /HR	= 37,604.00

Richard N. Bland

01-01-89 - 12-31-89	294.20 HOURS AT 80.00 /HR	= 23,536.00
07-01-87 - 12-31-88	215.60 HOURS AT 70.00 /HR	= 15,092.00

07-01-86 - 06-30-87	98.40 HOURS AT 65.00 /HR	= 6,396.00
01-01-85 - 06-30-86	661.50 HOURS AT 45.00 /HR	= 29,767.50

Michael J. Case

01-01-89 - 12-31-89	77.60 HOURS AT 50.00 /HR	= 3,880.00
07-01-89 - 12-31-88	97.50 HOURS AT 45.00 /HR	= 4,387.50
07-01-85 - 06-30-87	593.20 HOURS AT 40.00 /HR	= 23,728.00
07-01-84 - 06-30-85	67.50 HOURS AT 35.00 /HR	= 2,362.50

Paul H. Ode, Jr.

07-01-84 - 06-30-85	0.50 HOURS AT 55.00 /HR	= 27.50
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Robert B. Luce

07-01-85 - 06-30-86	10.50 HOURS AT 60.00 /HR	= 630.00
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Gregory S. Clayton

01-01-89 - 12-31-89	2.40 HOURS AT 90.00 /HR	= 216.00
07-01-85 - 06-30-86	0.50 HOURS AT 60.00 /HR	= 30.00

Heather Briggs

01-01-89 - 12-31-89	8.10 HOURS AT 120.00 /HR	= 972.00
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John H. Tarlow

07-01-85 - 06-30-86	13.80 HOURS AT 45.00 /HR	= 621.00
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Anita R. Tuttle

01-01-89 - 12-31-89	26.40 HOURS AT 75.00 /HR	= 1,980.00
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Robert A. Miller

01-01-89 - 12-31-89	9.40 HOURS AT 70.00 /HR	= 658.00
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01-01-88 - 12-31-88	21.60 HOURS AT 50.00 /HR	= 1,080.00
Martha L. Judy		
01-01-88 - 12-31-88	17.20 HOURS AT 30.00 /HR	= 516.00
Anthony J. Gallucci		
01-01-89 - 12-31-89	2.10 HOURS AT 45.00 /HR	= 94.50
G. Larry Harvey		
07-01-84 - 06-30-85	26.30 HOURS AT 35.00 /HR	= 920.50
Wynne W. Browne		
07-01-84 - 06-30-86	0.50 HOURS AT 30.00 /HR	= 15.00
Joyce D. Servidio		
01-01-85 - 06-30-86	6.70 HOURS AT 35.00 /HR	= 234.50
David Lowy		
01-01-86 - 12-31-87	11.00 HOURS AT 30.00 /HR	= 330.00
TOTAL SERVICES RENDERED		<u>\$ 198,027.50</u>
RNB /RNB		

Not reproduced are 83 pages of original documentation (invoices, receipts, etc.) of expenses and disbursements totalling \$10,929.66, the amount of which is not disputed.

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ERNEST DAGUE, SR., BETTY L.)	
DAGUE, ADMINISTRATRIX OF)	
THE ESTATE OF ERNEST J.)	
DAGUE, II, BETTY DAGUE and)	Civil Action
ROSE A. BESSETTE)	No. 85-269
v.)	
CITY OF BURLINGTON)	

AFFIDAVIT OF MICHAEL G. FURLONG

Michael G. Furlong, being duly sworn, deposes and states the following:

1.

I am a partner in the law firm of Sheehey Brue Gray & Furlong in Burlington, Vermont. I graduated from Middlebury College (B.A., 1973) and Cornell University (J.D., 1978), and I have been in practice in Burlington since 1978.

2.

Having practiced law in Burlington, Vermont for approximately eleven years, I am generally familiar with the hourly rates charged by other law firms and attorneys in this area.

3.

The customary billing rates for the attorneys in our firm range from \$90 to \$120 per hour. My customary billing rate is \$120 per hour.

4.

I understand that the current billing rate charged by William W. Pearson is \$125 per hour, and that charged by Richard N. Bland is \$80 per hour, and that the billing rates for other attorneys in the firm of Downs Rachlin & Martin range from \$60 to \$150 per hour, depending upon the level of experience.

Based upon my own firm's billing practices and hourly rates, and my general knowledge of the fees customarily charged by other attorneys in Burlington, Vermont, I believe that the hourly rates charged by attorneys in the firm of Downs Rachlin & Martin are within the range of hourly rates charged by other attorneys in the Burlington area.

5.

Our firm engages in the general practice of law, with a majority of our work involving business and commercial matters.

Our firm does not do extensive plaintiffs' work on a contingency fee basis. When we do so, the fees charged are usually determined as a percentage of the recovery, and that percentage is fixed at a level which normally would return to the firm more than would be charged on an hourly basis, in order to reflect the risk of no recovery.

/s/ Michael G. Furlong
Michael G. Furlong

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

Sworn to and subscribed before me this 30th day of
October, 1989.

/s/ David T. Austin
Notary Public
Commission Expires: 2-10-91

B3/31.1030

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ERNEST DAGUE, SR., BETTY L.)	
DAGUE, ADMINISTRATRIX OF)	
THE ESTATE OF ERNEST J.)	
DAGUE, II, BETTY DAGUE and)	Civil Action
ROSE A. BESSETTE)	No. 85-269
v.)	
CITY OF BURLINGTON)	

AFFIDAVIT OF ROBERT A. MELLO

Robert A. Mello, being duly sworn, deposes and states the following:

1.

I am an attorney in South Burlington, Vermont. I graduated from St. John's Seminary in 1968 and Boston College (J.D., 1971), and I have been in practice in the Burlington area since 1975.

2.

Having practiced law in Burlington, Vermont for approximately 14 years, I am generally familiar with the hourly rates charged by other law firms and attorneys in this area.

3.

My customary billing rate for fee-paying clients is \$95-\$115 per hour.

4.

I am professionally and personally acquainted with William W. Pearson and Richard N. Bland and the law firm of Downs Rachlin & Martin, and I believe them to possess a high degree of knowledge and expertise in the field of environmental law.

5.

I understand that the current billing rate charged by Mr. Pearson is \$125 per hour, and that charged by Mr. Bland is \$80 per hour, and that the billing rates for other attorneys in the firm of Downs Rachlin & Martin range from \$60-\$150 per hour, depending upon the level of

experience. I also understand that the billing rates for legal assistants in the firm of Downs Rachlin & Martin range from \$30-\$50 per hour, depending upon the level of experience.

Based upon my own hourly rate, and my general knowledge of the hourly rates charged by other attorneys and legal assistants in the Burlington area, I believe that the hourly rates charged by the law firm of Downs Rachlin & Martin are within the range of hourly rates charged by other law firms in the Burlington area.

6.

I engage in the general practice of law. When I take on plaintiffs' work on a contingency basis, the fees charged are usually determined as a percentage of the recovery, and that percentage is fixed at a level which normally would return more than would be charged on an hourly basis, in order to reflect the risk of no recovery.

/s/ Robert A. Mello
Robert A. Mello

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

Sworn to and subscribed before me this 30th day of October, 1989.

/s/ Joanne Aja Simpson
Notary Public
Commission Expires: 2-10-91

B3/31.1030

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ERNEST DAGUE, SR., BETTY L.)	
DAGUE, ADMINISTRATRIX OF)	
THE ESTATE OF ERNEST J.)	
DAGUE, II, BETTY DAGUE and)	Civil Action
ROSE A. BESSETTE)	No. 85-269
)	
v.)	
CITY OF BURLINGTON)	

AFFIDAVIT OF JON R. EGGLESTON

Jon R. Eggleston, being first duly sworn, deposes and states the following:

1.

I am a duly licensed attorney admitted to practice in Vermont. I received my B.A. from the University of Denver in 1968, my J.D. from Cornell University in 1971 and an LL.M. in Taxation in 1975 from the Georgetown University Law Center. I am admitted to practice before the U.S. District Court for the District of Vermont.

2.

I am a partner in the firm of Miller, Eggleston & Rosenberg in Burlington, Vermont and am engaged in general corporate law and taxation.

3.

Having practice law in Vermont since 1971, I am familiar with hourly rates charged by law firms and attorneys in the Burlington area.

4.

I personally charge clients at the rate of \$150 per hour.

5.

Based upon my own hourly rate, and my knowledge of the fees customarily charged by attorneys in this community, I believe that the current hourly rates charged by William W. Pearson and Richard N. Bland, \$125 per hour and \$80 per hour, are reasonable hourly rates for the Burlington legal market.

6.

My firm seldom represents plaintiffs on a contingency fee basis. This is because a contingent fee which will be equal only to our usual hourly rates offers no incentive for taking on such work. Indeed, it is my belief, based on my knowledge and experience of the Burlington legal community, that lawyers who take such contingency cases expect to recover a multiple of their usual hourly rate if they were to prevail in the case. Without this

expectation, there is no incentive for taking a contingency case.

/s/ Jon R. Eggleston
Jon R. Eggleston

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

Sworn to and subscribed before me this 31st day of
October, 1989.

/s/ Cathy A. Meilleur
Notary Public
Commission expires:

B3/31.1030
